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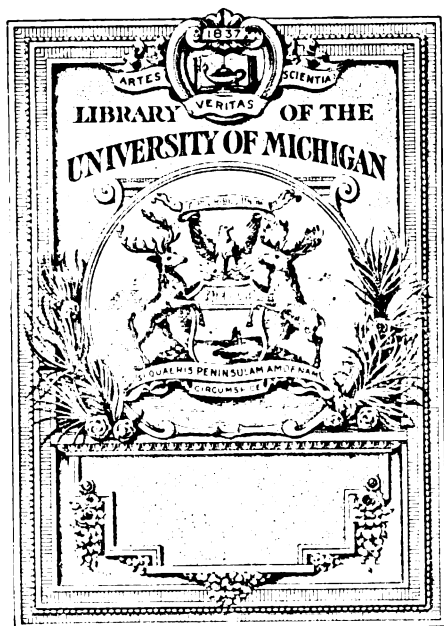
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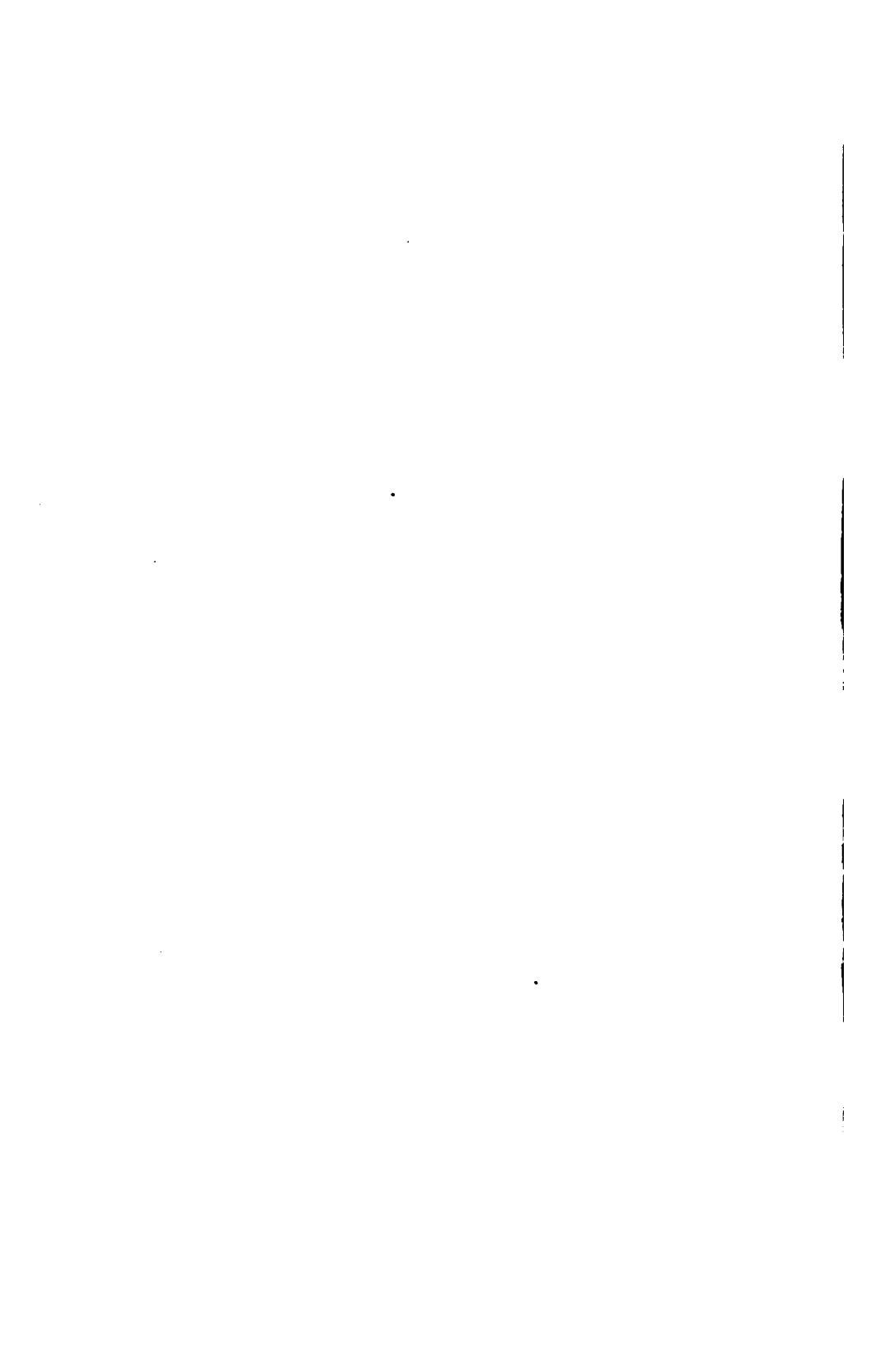


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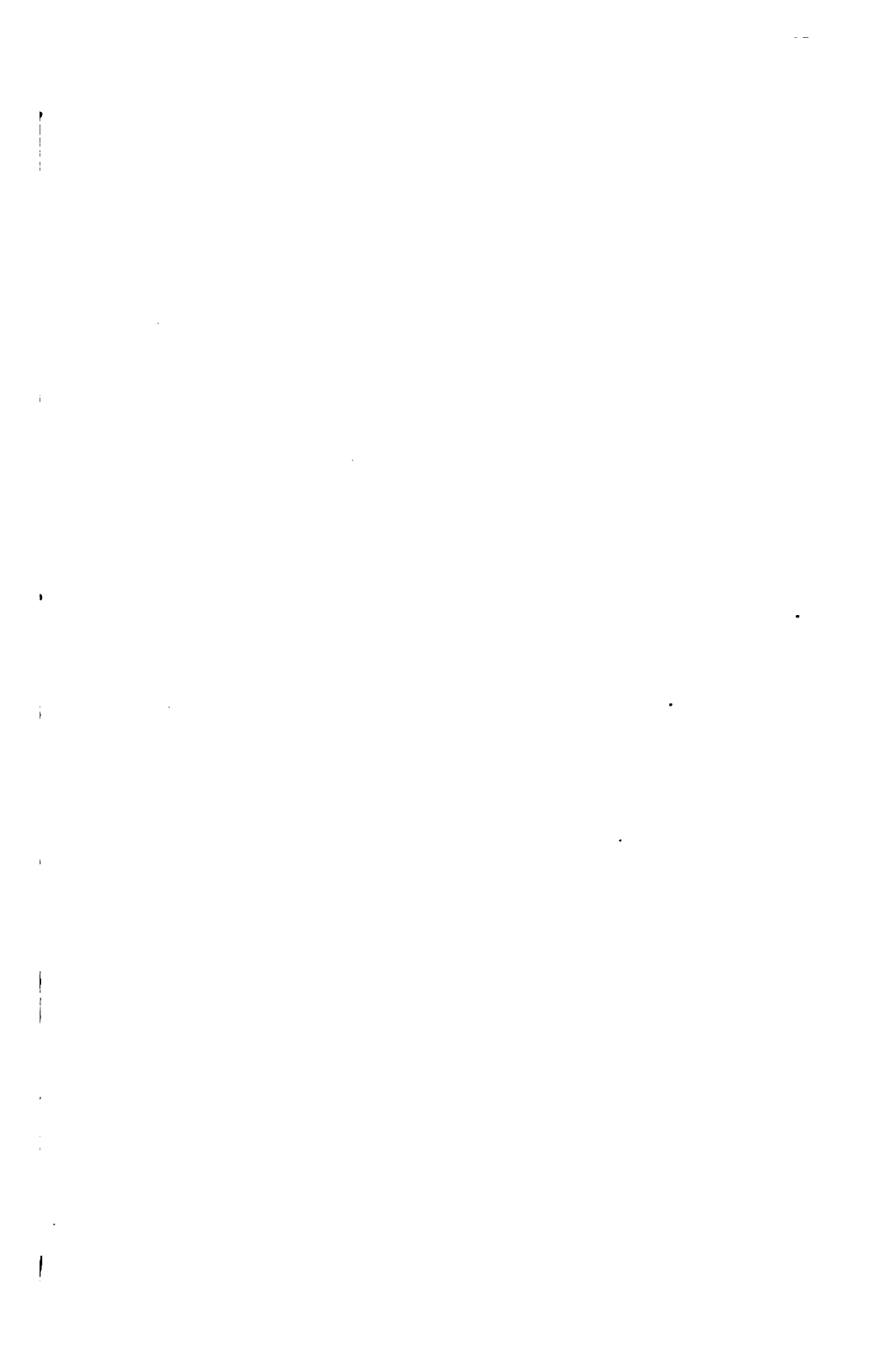
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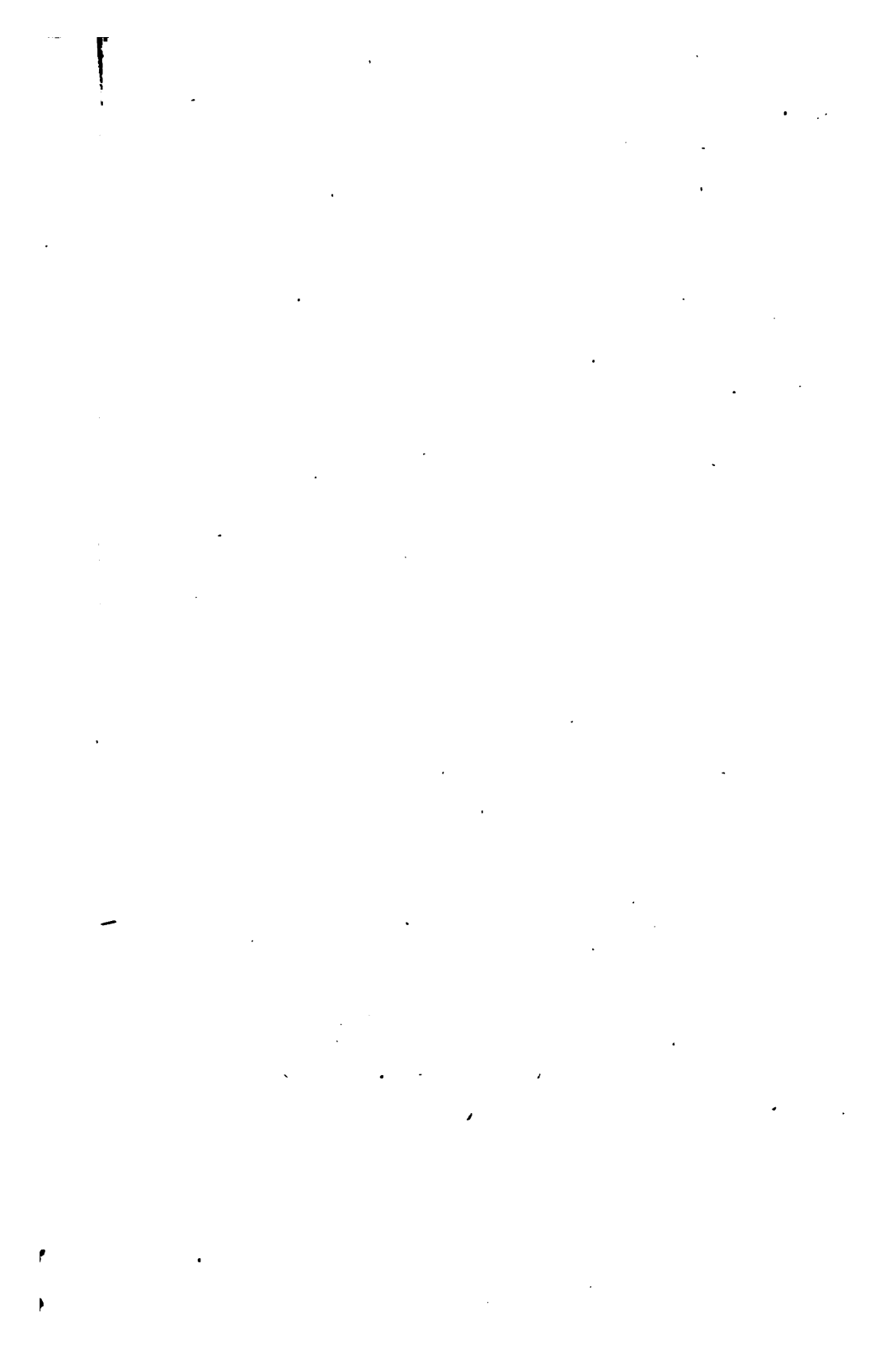
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THE  
HISTORY  
OF  
ENGLAND.

Written in FRENCH by  
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ILLUSTRATED WITH  
MAPS GENEALOGICAL TABLES, and the HEAD  
and MONUMENTS of the KINGS.

The FOURTH EDITION, corrected.

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V O L. III.

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THE  
HISTORY  
OF  
ENGLAND.

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BOOK VIII. SECT. II.

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8. HENRY III. surnamed of  
WINCHESTER.

**W**E are going to enter upon a long reign embarrassed with divers, and, for the most part, unconnected events. Were I to dwell upon every the least remarkable incident during the long administration of Henry III, I should rather tire the reader, than give him any clear knowledge of the affairs of those days. I shall confine myself therefore to certain principal heads, which are, as it were, the substance of what happened in this reign. First, I shall endeavour to represent the state of the kingdom, the particular genius of the king, and the character and pernicious designs of his ministers. Secondly, will be shewn the insatiable avarice and tyranny of the court of Rome. Thirdly, the barons league against the arbitrary and tyrannical power intended to be introduced into the kingdom. And lastly, the barons abuse of the authority they usurped on that pretence, and the unfortunate events which rendered all their

1216.  
Henry III.  
Principal  
events of  
this reign.

A 2 proceedings

## THE HISTORY

proceedings ineffectual. These are the chief heads we are going to run over, as briefly as the great length of this reign will permit, and to which almost all that shall be said will refer.

The state of  
the king-  
dom.

King John left his crown to his eldest son. But the young prince, who was but in the tenth year of his age, was very incapable of curing the disorders of so disordered a state. A few lords, who had firmly adhered to the service of his father, and an army of foreigners, whom John himself never ventured to trust, were very unlikely instruments to restore the royal family. There was the less room to hope for so favorable a turn, as almost all the peers of the realm, supported with the forces of France, appeared strictly united against the family of the late king. Besides, Lewis's great progress seemed to promise him the reduction of the whole kingdom. In spite of these seemingly insurmountable difficulties, young Henry found in the wife and brave earl of Pembroke<sup>a</sup>, a loyal subject, and capable withal of projecting and executing the greatest designs. Without being disheartened in this extremity, the generous earl undertook to raise the hopes of the honest English, and drive the foreigners out of the kingdom.

The earl of  
Pembroke  
supports  
Henry.  
M. Paris,

His speech  
to the lords  
of the king's  
party.  
Heming-  
ford.  
Lib. iii.  
P. 562.

As soon as John resigned his last breath, the earl of Pembroke assembled the lords, who had remained firm to that prince, and presenting young Henry to them, made a speech, beginning with these words: "Behold our king." Then (after a short pause) he represented to them, "Though the conduct of the late king gave the confederate barons a plausible pretence to complain, it was not reasonable to take the crown from a family that had worn it so long, much less to give it to a foreigner. As king John's faults were personal, it would be unjust to inflict a punishment on his son, whose tender years rendered him blameless." He said farther, "The remedy used by the confederate barons was worse than the disease, since it tended to reduce the kingdom under a dishonourable servitude. And therefore, in the present posture of affairs, nothing was able to deliver them from the impeding yoke, but their firm union, under a prince who was undeniably the lawful heir to the crown." This speech met with applause from the whole assembly, who cried out with one voice, "We will have Henry for our king." Whereupon though the earl of Chester<sup>c</sup> made some opposition

<sup>a</sup> William Marechall.

<sup>b</sup> Fiat rex, fiat rex, Hemingford.

<sup>c</sup> Hemingford says, it was the earl

of Gloucester. But that earldom was then in the crown. Tytel.

(from



(from which however he afterwards desisted) a day was appointed for the coronation. The ceremony was performed with little pomp, by the bishops of Bath and Winchester, in the presence of an inconsiderable number of lords, with Gallo the legate, who espoused young Henry's interest to the utmost of his power<sup>4</sup>. King John's crown being lost in the well-stream, they were forced to use a plain circle or chaplet of gold, because they had neither the time nor means to make a better. Before the crown was set on his head, the usual oath was administered to him. Then the legate, who had ever his master's interest in view, caused the young prince to do homage to the holy see. It was not then proper to oppose this homage, for fear of losing the pope's assistance and increasing the difficulties Henry was probably to struggle with in the beginning of his reign.

Henry III.  
crowned.  
M. Paris,  
An. Waver.

M. Paris,  
p. 289.

These ceremonies being over, the assembly of the lords, who represented at that time the whole nation chose the earl of Pembroke guardian of the king, and declared him protector, that is, regent of the kingdom. They could not chuse to that high office, a person of greater abilities, of more zeal for the public good, or a faster friend to the royal family. From the beginning of king John's reign, for whom he partly procured the crown by his diligence and address, he had always remained attached to the service of that prince, without ever deserting him in his greatest distress. This constant loyalty gaining him his master's favour and confidence, he was always trusted with his secrets, and therefore was better qualified than any other to be at the helm in so tempestuous a season. He perfectly knew the cause of the troubles, and the interests and intrigues of those that excited them. He was not ignorant that most of the barons were extremely dissatisfied with the prince they had sent for, and upon that he chiefly built his hopes. The private submission of forty of them to the king, gave him room to believe that dissensions were rising among them, and that their example would quickly be followed by the rest. Indeed nothing but despair of pardon prevented the majority from deserting prince Lewis. And therefore the regent believed he had reason to hope, that a de-

The earl of  
Pembroke  
made re-  
gent.  
M. Paris.  
How quali-  
fied for that  
office.

<sup>4</sup> The coronation was solemnized at Gloucester, on October 28. in the presence of the pope's legate, Henry archbishop of Dublin, Peter bishop of Winchester, Jocelin of Bath, Silvester of Worcester, Ranulph earl of Chester, William Marshall earl of Pembroke, William de Ferrars earl of Derby, John

Marshall, Philip de Albiney, William Briwere, Savaric de Malolacu, with the abbots and priors. The archbishop of Canterbury, (says Walter of Coventry) was then at Rome, soliciting the taking off his suspension. M. Paris.

He notifies  
to the barons  
the coronation of  
Henry.  
M. Paris.

Several  
think of deserting  
Lewis.  
M. Paris.

Lewis tries  
in vain to  
bribe the  
governor of  
Dover.  
M. Paris.  
p. 289.

claration of the new king's readiness to pardon would soon dissolve the confederacy. Besides, there was no likelihood that after the death of king John, so many lords would continue in obedience to a foreign prince, who too gave them every day fresh occasions of complaint. In this expectation the earl of Pembroke sent letters to all the barons and corporations in the kingdom, to inform them of Henry's accession to the crown, promising withal great rewards to such as would return to their duty<sup>c</sup>. These assurances and the regent's known probity, moving many of the confederate barons, they began to think seriously of making their peace with their lawful sovereign. The excommunication of prince Lewis, published every Sunday, furnished them with a further, and no less powerful motive to change. It was not possible but among all these lords, there were tender consciences that were concerned at following the banners of an excommunicated prince. Much less could they bear to see themselves involved in the same sentence, what endeavours soever were used to remove their scruples. So Lewis's affairs began to decline at the very time they seemed to be most prosperous. The raising the siege of Dover contributed likewise very much to disconcert them. Prince Lewis frequently tried to corrupt Hubert de Burgh, governor of that place; but always found in that brave man a loyalty proof against all temptations. Force had been still less available; for he was repulsed with loss in all his assaults. The death of king John happening during this siege, Lewis hoped the governor would become more tractable. He ordered him to be summoned again to surrender; representing to him, that since, by John's death, he was released from his oath, he might without scruple swear fealty to a

<sup>c</sup> As also to all the Vicecomites, or sheriffs, wardens of castles, &c. M. Paris.

<sup>f</sup> There is a letter still extant to Hugh de Lacy a baron of note, containing a safe-conduct to come and treat with the king, with a promise of the restitution of his estate, and privileges. The earl of Pembroke's name is affixed alone to the letter, which is dated November 18. in the first year of this reign. The letter runs thus: "Rex Hugoni de Lacy salutem. Mandamus vobis quod secure & sine dilatione veniatis ad fidelitatem & servitium nostrum, & concedimus vobis saluum conductum nostrum in veniendo ad nos & nobiscum loquendo

"& inde salvo revertendo. Et vos scire volumus quod si ad nos venire volueritis jura vestra & libertates vestras per consilium dilectorum fidelium nostrorum Ranulphi comitis Castrie, Willielmi comitis de Ferraris, & aliorum fidelium nostrorum integre vobis restitueamus licet vero bone memorie Johannes pater noster in aliquo erga vos deliquerit ipsius delicti debemus esse immunes, nec delictum suum aliquatenus nobis debet imputari. Et in hujus, &c. Quia sigillum, &c. vobis inde mittimus. Teste comite decimo octavo die Novembris anno regni nostri primo." Pat. 1. Hen. III. M. 16.

prince

prince whom his countrymen had owned for their sovereign, and who would be glad to shew him marks of his esteem. Hubert answered, the late king having left a successor to whom his allegiance was due, he would maintain his cause to the last drop of his blood. Adding he could never believe, the esteem of any brave prince could be gained by a notorious baseness. Promises proving ineffectual, Lewis threatened Hubert to put his brother, who was in his power, to death. This threat made no impression on the faithful governor, who continued to defend with the same resolution the important place committed to his trust. Lewis finding he did but lose time before Dover, raised the siege and invested the castle of Hertford, which made but a faint resistance. The taking this place gave the English lords fresh cause of complaint. Robert Fitz-Walter, claiming the custody of the castle as belonging to him by ancient right, had the mortification to be denied and see a French governor placed there with troops of the same nation. This injustice caused great murmurings among the English barons. They were extremely vexed to behold their own inheritances given to foreigners without any regard to their complaints. Their discontent was inflamed by the indiscretion of some Frenchmen, who upbraided the English barons for traitors, declaring it was not safe to trust them with the custody of castles. These expressions, added to what the viscount of Melun was reported to say, caused among the English, and especially among the nobility, an universal dissatisfaction, which Lewis perceived not as yet, but of which he soon felt the effects. Mean while, continuing his progress, he became master of some other places before he returned to London, where he came not till towards the latter end of the year.

M. Paris.

Lewis dis-  
pleases the  
English.  
M. Paris,  
p. 290.

Ibid.

Whilst Lewis was improving his advantages, the regent omitted nothing that might support the just rights of young Henry. His first and as he thought most necessary precaution in the present juncture, was to send speedy notice to the pope of the death of king John, and the coronation of his son, intreating him to take into his protection the young prince who was surrounded with foreign and domestic enemies. Innocent took care not to be wanting in what concerned his own interests. The preservation of England, which he considered as the patrimony of St. Peter and even gave it that name, was in danger. Wherefore he sent fresh powers to his legate to renew the excommunication of the prince of France and the confederate barons. Lewis, to whom the legate communi-  
cated his new orders, solemnly protested against all that should

The pope  
declares for  
Henry.  
M. Paris,  
p. 292.

# THE HISTORY

be done to his prejudice. Mean time, to prevent the new  
censure from having any effect, he required all the English lords  
to renew their homage to him on a day appointed. His pro-  
testation hindered not the legate from executing the pope's  
orders. He held a synod at Bristol, where he re-excommu-  
nicated Lewis with all the customary formalities. He thereby  
furnished some of the barons with a pretence to refuse the ho-  
mage required by Lewis.

A truce be-  
tween the  
two parties.  
Walt. of  
Coy.  
M. Paris.  
P. 292.

Christmases approaching, both sides agreed upon a truce dur-  
ing the holidays. Lewis made use of that opportunity to  
hold a general assembly at Oxford, whilst the regent held  
another, though much less numerous, at Cambridge. The  
king's party proposing that the truce should be prolonged,  
Lewis at first refused to agree to it. But hearing soon after  
that the pope intended to confirm in full consistory the excom-  
munication denounced by his legate, he consented to prolong  
the truce till a month after Easter. His design was to go to  
Paris, and consult the king his father <sup>g</sup>.

1217.  
The truce  
turns to  
Henry's ad-  
vantage.  
M. Paris.  
P. 292.

This truce was very advantageous to the earl of Pembroke.  
He wisely made use of it to reinforce his army with new le-  
vies, and to gain by secret practices some of the confederate  
barons. On the contrary, it was extremely prejudicial to  
Lewis, whose absence gave the barons opportunity to free  
themselves from his yoke, by returning to the obedience of  
their lawful sovereign. Several took that time to treat with  
the king. Among whom was William Marshal, eldest son  
of the earl of Pembroke, who till then had been one of the  
most zealous partisans of France <sup>h</sup>. The Cinque-Ports de-  
clared likewise for Henry, and sent out a fleet to oppose Lewis's  
return. But though their fleet fought the French and de-  
stroyed several of their ships, they could not hinder the prince's  
landing at Sandwich. He was so provoked at this bold attack,  
that he burnt the town where he landed, as being one of the  
Cinque-Ports.

Ibid.

Cinque-  
Ports declare  
for the king.

Lewis burns  
Sandwich.

The earl of  
Perche raises  
the siege of  
Mont-Sorrel.  
M. Paris.  
P. 293.

Upon the expiration of the truce, the regent sent the earl  
of Chester to besiege Mont-Sorrel in Leicestershire, where was  
a French garrison. The loss of this place might have proved  
of great prejudice to Lewis, not so much on account of its  
importance, as because at such a juncture it highly concerned

<sup>g</sup> Walter of Coventry says, the  
pope ordered his nuncio in France to  
hold a synod at Melun, and put the  
kingdom under an interdict, unless  
Philip recalled his son out of England.  
Upon which the king presently ordered

him to come over, and be himself in  
person at the synod.

<sup>h</sup> At the same time came over to  
the king, William Longsword earl of  
Salisbury, with the earls of Arundel  
and Warren.

him

## OF ENGLAND.

9

him to hinder the king's party from appearing in condition to recover themselves. For this reason Lewis thought it necessary at any rate to raise the siege. To do it effectually he put the earl of Perche<sup>1</sup> at the head of twenty thousand men, with orders to march to the enemy. Upon the approach of this army the earl of Chester, who was not so strong, raised the siege and returned to the regent. But the French general was not satisfied with this advantage. As he believed the earl of Pembroke unable to withstand him, he formed the design of besieging Lincoln castle, which held out for the king though the city had declared for the barons<sup>2</sup>. In this march, the French troops committed such terrible ravages, that the historians describe them as an army of devils rather than men. But perhaps things are represented worse than they really were.

1217.  
He besieges  
Lincoln  
castle.

The castle of Lincoln was of so great importance, that the regent could not resolve to lose it, without using his utmost endeavours to relieve it. Whilst the French were assaulting the castle with all possible vigor, and the besieged making as brave a defence, he assembled all his forces, with a resolution to run all hazards to save that place. He used such expedition that he advanced as far as Newark, within twelve miles of Lincoln, before the besiegers were determined, whether to expect or to meet him. They had all along hoped to take the castle, before he could draw his army together. Surprized at the sudden approach of the enemy, the French general called a council of war to consult what was to be done. Some were for meeting the enemy; because if a victory ensued, the castle would immediately surrender. Adding, that by going out of the city, they might use their cavalry, in which consisted their chiefest strength, whereas they would be of no service, if it was resolved to stay within the walls. This advice was the safest, but others were of a contrary opinion. They affirmed, as the castle was reduced to extremities, it was better to keep within the city and continue the siege; that it was easy to defend the walls, till the castle surrendered; after which the earl of Pembroke would only think of retreating, or however, might always be fought. This advice prevailing, all things were prepared for the defence of the city, whilst the siege of

The regent  
marches to  
its relief.  
M. Paris.  
p. 294.

<sup>1</sup> Marshal of France, a young man of great courage, whom he had just brought over with him. Saher earl of Winton was lord of this castle. They marched from London May 1. M. Paris.

<sup>2</sup> Gilbert de Gant had besieged it a long time in vain; and being vigorously repulsed in all his assaults. He was made earl of Lincoln by Lewis. M.

the castle was continued. Mean time the English army approaching without opposition, the regent caused a body of chosen troops, commanded by Faulk de Brent, to enter the castle at a postern gate which opened into the fields. Faulk was no sooner entered, but pursuant to the measures taken with the regent he sallied out upon the besiegers, whilst the king's army stormed one of the gates of the city.

The French  
army defeated  
at Lin-  
coln.  
M. Paris.  
T. Wilkes.  
Huntingford

The earl of Perche perceiving himself thus attacked from two different quarters, exerted his utmost in his defence. But his troops not having room to fight, and besides, being deprived of the assistance of the horse, were quickly put in confusion. On the other side, the royal army, encouraged by the presence of the regent, and the indulgences liberally bestowed by the legate upon all that should be slain in battle, continued in a furious manner to storm the gate. This assault was so vigorous, that, notwithstanding the obstinate resistance of the French, the king's troops at length entered the city, whilst Faulk de Brent pressed the enemy on the other side. The earl of Perche perceiving all was lost, resolved not to survive the shame of his defeat. He was slain, upbraiding the English of his party for betraying him by their counsels. After the death of the general, a dreadful slaughter was made of the French troops, who almost all perished on this occasion. The city of Lincoln, which had all along joined with the barons, was abandoned to a general plunder, where the soldiers found an inestimable booty, and therefore called it Lincoln fair<sup>1</sup>.

M. Paris

Lewis raises  
the siege of  
Dover, and  
retreats to  
London.  
He demands  
succours of  
his father.  
M. Paris

Whilst the earl of Perche was employed in these parts, prince Lewis made a fresh attempt upon Dover castle, but meeting with no less resistance than before, made no great progress in the siege. The news of the defeat at Lincoln, made him resolve to retire to London, and take new measures. Upon his arrival, his first care was to send to his father for speedy supplies, without which he let him know there was no likelihood of retrieving his affairs. Philip, willing to keep fair with the pope, pretended, he would not interpose any more in his son's concerns. He publicly sent him word to take

<sup>1</sup> One may guess at the great riches of the cathedral, which was pillaged, when Geoffrey de Drapinges, the precentor, complained that he had lost eleven thousand marks for his own share. M. Paris, p. 297. The persons of note taken in this battle, which was fought on May 19, were Saer earl of Winchester, Henry de Boum earl of Hereford, Gilbert de Gant earl of

Lincoln, commanders; and of the other barons, Robert Fitz-Walter, Richard de Munfchet, William de Mumbrey, William de Beauchamp, William Mandet, Oliver de Harcourt, Roger de Cressi, William de Colville, William de Ros, Robert de Ropelle, Ralph Cheineuit, &c. M. Paris, p. 296.

care of himself as he could. However, he ordered it so, that Blanch his daughter-in-law, in her own name, quickly got ready a body of troops, with ships to transport them into England. Had these succours safely arrived, they might have repaired Lewis's loss at Lincoln. But his fortune was no better at sea than at land. The commanders of the fleet of the Cinque-ports, hearing the French troops were to embark at Calais, laid wait for them in their passage, and giving them battle, took and sunk the greatest part of the fleet<sup>a</sup>.

They are defeated at sea.  
Hemingford.  
M. Paris.

These two successive losses threw Lewis into great straits, which were farther encreased by the approach of the English army. He had scarce received news of the defeat of the succours that were coming from France, when he saw himself besieged in London, or at least closely blocked up. So many misfortunes one after another; the discontent of the English, which now shewed itself openly, the pope's thunders, which, upon the decline of his affairs, began to inspire him with terror, made him sensible it was time to think of retreating. He determined therefore to sue to the regent for peace. But notwithstanding his ill situation, he intimated to him that he would consent to none but an honourable peace, that should screen his English adherents from all prosecution. By the way, this prince's generous care of the English barons, is hardly reconcilable with the resolution, imputed to him by the viscount of Melun. The earl of Pembroke immediately granted his demand. He considered, the king of France was not so drained of men and money, but that he could still powerfully assist his son. On the other hand, he was afraid the barons would become desperate, if they were denied a pardon, and that too great a severity would involve the kingdom in fresh troubles. In short, he saw the using his success with moderation, would restore peace to the kingdom, and put the young king in quiet possession of the crown, which was the sole aim of all his desires. These considerations induced him readily to agree to a treaty of peace upon the following terms:

Lewis is blocked up in London.  
M. Paris.

He sues for peace.

The earl of Pembroke consents to it.

<sup>a</sup> This sea-engagement was about the twenty fourth of August. As the English had but forty, and the French eighty large ships, the king's fleet durst not attack them in front, but tacking about, and getting to the windward, they bore down upon them and made great slaughter of them with their archers; but what contributed most to their victory, was their having great quantities of quick-lime in powder,

which being cast into the air, was blown by the wind into the Frenchmen's eyes and blinded them. The commanders of the English fleet were Philip d'Albany and John Marshal. The French Admiral was one Eustace, who from a monk turned pirate, and at last was made admiral of the French fleet. Mat. Paris says, Richard base son of king John cut off his head.

That

Conditions  
of the peace  
Act. Pub.  
tom. I.  
p. 221.  
M. Paris.  
p. 299.

That all persons who had taken part with Lewis, since the beginning of the war, should be restored to all the rights they enjoyed before the troubles.

That the city of London should have her ancient privileges.

That all the prisoners taken since the first arrival of Lewis into England should be released. But as to those that were taken on either side before that time, commissioners should be appointed, to enquire whether those of his party were engaged with him, at the time of their being made prisoners.

That the ransoms already paid should not be returned, and that such as were become due should be punctually paid: but that nothing should be demanded of the prisoners whose ransoms were not settled.

That all the English, of what rank and condition soever, prisoners or others, who took up arms against king John, should swear fealty to king Henry.

That the hostages given to prince Lewis for the payment of the ransoms that were became due, should be released immediately upon payment of the money.

That all the places, town and castles, in Lewis's possession, should be delivered to the king.

That the king of Scotland should be included in the treaty, upon restoring all he had taken during the war, and that the king of England should make the like restitution to him.

The same thing was stipulated in favour of the prince of Wales.

That Lewis should cause all the islands to be restored that were taken in his name.

That he should renounce the homages received from the subjects of the king of England.

That whatever was due to him, and of which the time of payment was expired, should be punctually paid him.

That in the first article, where Lewis's adherents are mentioned, ecclesiastics were not included but with respect to the lay-fee they held before the war.

M. Paris.  
p. 299.

An historian adds two articles more which are not found in the treaty. First, that Lewis should use his utmost endeavours to oblige his father to restore whatever was taken from king John beyond sea. Secondly, that in case he could not prevail, he himself should make this restitution whenever he came to the crown. Though these two conditions were not inserted in the treaty itself it is very likely, they were stipulated in the secret articles, since the French historians do not scruple

Mescri.



scruple to own them. Besides, we shall see in the sequel, that when Lewis came to the crown, the court of England called upon him to perform his promise, and that St. Lewis his son had very great scruples on that account.

The treaty being signed and afterwards confirmed by the authority of the legate, the king and prince Lewis swore to observe it, with the usual formalities. After which, Lewis received absolution from the legate\*. Every thing being thus concluded, the prince set sail for France, after borrowing five thousand marks<sup>†</sup> of the city of London, to pay his debts.

Immediately after the prince's departure, Henry made his entry into London, where he was received with great pomp and demonstration of an universal satisfaction. It was not without reason that the people expressed so great joy, since, notwithstanding the advantages lately gained by the young king, he took a solemn oath to maintain the nation in their privileges. Thus, by the prudent management of the regent, the vanquished barons obtained more solid advantages than they could have expected from a victory, which would have subjected them, and perhaps beyond all redress, to a foreign power.

Of all Lewis's party, the ecclesiastics were the only persons that had no cause to rejoice at the peace, which left them to the pope's mercy, whom they had offended in the most sensible part. He bore with impatience the contempt of his censures by Lewis and the barons, but the clergy's disobedience made him still more outrageous. As soon as the legate was at liberty to proceed against the ecclesiastics, pursuant to the last article of the treaty, he ordered a strict enquiry to be made throughout the kingdom after those who contemned the interdict. All that were found guilty, were suspended or deprived of their benefices, or constrained to repair their fault by large sums of money<sup>‡</sup>. A remarkable instance of the wide difference between the ecclesiastical and the civil power.

The king of Scotland, who was excommunicated for doing homage to a foreign prince, embraced the offer of being included in the treaty. He came to Northampton, where he was absolved by the legate, after doing homage to Henry

\* The chronicle of Mailrose says, that prince Lewis walked barefoot and ungirt from his own to the pavilion of the legate, where he and his followers were absolved.

† Mat. Paris says it was five thousand pounds, p. 299:

‡ Hugh, bishop of Lincoln, paid to

the pope's use one thousand marks, and one hundred to the legate; whose example being followed by many of the bishops, and other religious persons, vast sums of money were raised for the pope, who was always sure to gain, whoever lost. Mat. Paris.

for the fees he held in England. Then he delivered up Carlisle, which he had taken during the troubles.

Honorius III  
made pope.

Pope Innocent III. dying this year, Honorius III. was promoted to the papal chair.

1218.  
Disturbances  
in England.  
Mat. Paris.  
p. 300.

It seemed, that after the departure of the French, England would at length enjoy some repose, to which she had been so long a stranger. But it was not possible that a perfect calm should immediately succeed so violent a storm. The treaty with Lewis gave birth to new troubles, which threw the regent into great perplexities. The barons' that had faithfully served king John, and to whom were given the confiscated estates of the rebels, could not bear the thoughts of restoring them to the old proprietors, according to the tenor of the treaty. On the other hand, the ecclesiastics loudly complained of being abandoned to the legate's persecutions, without the least care being taken of their concerns. However, the regent was resolved at any rate to execute the treaty, believing it to be the only means to root out all disturbances. Pursuant to this resolution he marched with a good body of troops, to bring to reason such as forcibly withheld divers castles and lands from the former owners. Robert de Gaugy was the only one however that stood a siege of eight days, in the castle of Newark, belonging to the bishop of Lincoln: but at length, finding there was no hopes of assistance, he surrendered the castle to the bishop, upon payment of one hundred pounds sterling. The rest that were in the same case, discouraged by his example, made the like compositions. The executing the treaty was so necessary for restoring tranquility to the kingdom, that the regent thought the interests of a few private persons, how faithfully soever they had served the king, ought not to be preferred to the general good, which would result from the punctual performance of his word. Mean time, to establish the young king firmly in the throne, it still remained to satisfy the pope, who was not inclined to pardon the ecclesiastics that dared to despise the interdict. In the beginning of a reign, when the fidelity of the subjects was yet wavering, and the king a minor, it would have been very imprudent in the earl to exasperate the court of Rome by maintaining the interests of the clergy: on the contrary, it was but too likely that the young king would need the pope's protection. For this reason he readily published, at the instance of the legate, a proclamation, commanding all the excom-

The regent  
stands by the  
legate a-  
gainst the  
clergy.

\* The chief of them were William de Bailluel, Philip Marc, Robert de earl of Albemarle, Raulk de Beant, Robert de Gaugy, etc. Mat. Paris.

municated ecclesiastics that were not absolved, to depart the kingdom on pain of imprisonment. This severity quickly caused them to satisfy the legate, who only wanted their money.

All the troubles being appeased, the English impatiently expected the performance of the king's promises with regard to their liberties, the effectual revival whereof they had been made to hope. However zealous the regent might be for the king's service, he did not think proper to make him violate his word. Wherefore, he sent express orders \* to all the sheriffs of the kingdom, to see the two charters of king John duly observed †, and to punish without mercy all violaters thereof. How happy would the English have been if the successors of this great man in his post and credit with the king, had followed the same maxims, and infused them betimes into the mind of this young monarch ! but by taking a contrary course, they were the cause of all the troubles of this reign.

Whilst the French were in England, Lewellyn, prince of Wales, who was in league with them, had taken several places, of which it would have been difficult to dispossess him without re-assembling the disbanded troops : this however the regent was willing to avoid, that he might not be forced to disoblige the subjects by levies of men and money, at a time when it was necessary to gain their affection by causing them to enjoy the fruits of peace. For this reason he granted the prince of Wales an honourable and advantageous peace, and procured him the legate's absolution, hoping thereby to induce that turbulent prince to remain in quiet ‡.

This affair being ended, Gallo, the legate who was recalled, set out for Rome §. Pandulph, whom I have had frequent occasion to mention in king John's reign, succeeded him in his office ¶.

\* These letters or orders are not to be found in our histories, but remain upon record in the Tower, on the Clause roll of this year. See Dr. Brady's Appendix, n° 144. and Tyrrel's Appendix, n° 8.

† The Annals of Waverley say, that the wisemen of England, or the parliament, met at London after Michaelmas, and revived the laws and liberties of the kingdom, according to king John's charter, p. 184.

‡ He had the custody of the castles of Caermarthen and Caerdigan, with the lands and appurtenances, delivered to him during the king's minority, after

which he was to restore them. Rymer's Fœder, tom. i. p. 225.

§ Though the kingdom was then reduced to the lowest degree of poverty, yet he made shift to carry off twelve thousand marks with him. M. Westm. This year, in May, Stephen Langton, archbishop of Canterbury, returned to England. Chron. Mailro's.

¶ This year also was held a common council, or parliament (though the exact time is not mentioned) wherein it was ordained, that no letters patents should be sealed with the king's great seal, till he came to be of full age. Brady, p. 528.

1219. The orders concerning the two charters not having been duly executed, the regent sent itinerate justices into all the counties, to cause them to be better observed. He was persuaded, he could not, without injustice and great injury to the honour and interests of the young king, leave unexecuted what the prince and the king his father had promised with an oath. Had he lived any longer, he would have infallibly so ordered that affair as not to be easily alterable. But this great man, equally qualified for war and peace, died shortly after, lamented by the whole kingdom, which he had freed from slavery by his prudence and valour<sup>1</sup>. Peter des Roches, bishop of Winchester, was made regent, and Hubert de Burgh, who defended Dover, chief justiciary of England<sup>2</sup>.

He died, and is succeeded by the bishop of Winchester.  
Hubert de Burgh is made justiciary.

1220. The coronation of the king had been performed at Gloucester, in the presence of so few lords and with so little solemnity, that it was thought proper to renew the ceremony with more pomp in the usual place. Cardinal Langton, archbishop of Canterbury, who returned into England after the troubles were over, set the crown on the king's head, having first administered to him the customary oath<sup>3</sup>.

Henry is crowned again.  
Mat. Paris.  
T. Wilm.  
M. Westm.

Immediately after his coronation, Henry, attended by the new regent, made a progress into several counties. His design was to make some alteration with regard to the custodies of the castles, committed by his father to such as the new regent thought he could not confide in. He met with no opposition but from William earl of Albemarle, governor of Rockingham castle, who, setting up for a petty sovereign or rather a tyrant, took little or no notice of the orders sent from court. The garrison made a show of defending themselves, but when they saw the whole country in arms to assist the king and free themselves from this oppression, they did not stay to be compelled to surrender, but chose rather to procure some little advantages by a capitulation.

1221. The earl of Albemarle resists the king.  
Mat. Paris.

This year the new building of the abbey church of Westminster<sup>4</sup> was begun, the king himself laying the first stone. William (de Forz) earl of Albemarle was very uneasy at the loss of his castle, of which he thought himself unjustly deprived. In revenge of this pretended injury he fortified himself in his castle of Biham, by means of which he held

Mat. Paris.  
M. Westm.  
The earl of Albemarle rebels.  
Mat. Paris.  
Walt. Cov.  
M. Westm.

<sup>1</sup> He died about the middle of March, and his body was deposited, on the 16th of the same month, in the church of the Knights Templars (now the Temple church) where his effigy, in a coat of mail, is still to be seen in the middle of the round. Mat. Paris.

<sup>2</sup> This justiciary was as it were the king's lieutenant-general. Rapin.

<sup>3</sup> Walter of Coventry says, the king was crowned with St. Edward's crown, on the 7th of May.

<sup>4</sup> Then called St. Mary's chapel.

the whole country round in subjection; he even compelled merchants and tradesmen to take passes of him for leave to go through the neighbourhood, without which they were in danger of being rifled. The complaints of these oppressions being laid before the parliament then assembled at Westminster, he was summoned to appear and answer for himself<sup>c</sup>. He pretended to obey, and accordingly set out with design as was thought to repair to London: mean time he took the road to Northamptonshire, and surprized the castle of Fotheringay, where he placed a strong garrison, and then returned to Biham. Upon this news the parliament resolved that an army should be immediately raised to lay siege to Biham, and the earl punished for his insolence according to the utmost rigour of the law. When earl William found the king's army was on the march, he retired into the North, leaving in his castle a governor, who surrendered not till after a long resistance. It was believed the rebel would be pursued; or at least compelled to quit the kingdom; but he found means to make his peace by the mediation of the archbishop of York<sup>d</sup>: that prelate representing in his behalf that it was but just to balance this offence with the great services he had done the late king; the regent was prevailed with by that consideration. A fatal precedent, which afterwards encouraged other barons to commit the same fault without dread of punishment!

He is par-  
doned.  
Mat. Paris;

The court had made a progress the last year to York, where a marriage was agreed upon between the king of Scotland and the princess Joanna the king's sister; but as she was in the hands of the earl of March, to whose eldest son she was contracted, it was no easy matter to get her; however, after some negotiation, she was at length sent back to the king her brother, and her nuptials with the king of Scotland were solemnized this year. Shortly after, Hubert de Burgh, chief justiciary, espoused the eldest sister of that prince; an honour, which by procuring him the alliance of two monarchs, might one day raise his posterity to the throne of Scotland.

Joanna the  
king's sister  
is married to  
the king of  
Scotland.  
Act Publ.  
tom. i.  
p. 193, et  
240.  
Mat. Paris;

The term of Pandulph's legateship being expired, he laid down his office, and resided at his see of Norwich<sup>e</sup>, procured him by the pope in reward of his services.

Pandulph  
made bishop  
of Norwich.  
An. Waverl.  
A quarrel  
between the  
Londoners  
and men of  
Westminster

What care so ever was taken by the late earl of Pembroke and the present ministry to keep the peace of the kingdom, there were persons who made it their business to disturb it.

<sup>c</sup> He was joined by Faulk de Brent, Philip Marc, Peter de Maulion, Engellard de Athie, etc. Mat. Paris, p. 310.

<sup>d</sup> Mat. Paris says, it was by the mediation of Pandulph.

<sup>e</sup> Mat. Paris says, he returned to Rome.

*Mat. Paris.* They laid hold of an opportunity which a quarrel between the citizens of London and Westminster furnished them with. A great wrestling match being made between the Londoners and the country people, many Westminster men came to the place appointed, and being desirous to dispute the prize, had the mortification to see their neighbours gain the honour of the victory. This honour though in itself very small, raised however the jealousy of the Westminster men, who were exposed to the insulting raileries of the conquerors. The steward of the abbot of Westminster, preposterously imagining his master's and his own honour were concerned, undertook to revenge his fellow-citizens, and appointed another match at Westminster, to which the citizens of London flocked in great numbers: but as they went without arms, they were rudely attacked by the Westminster men, who wounded several and put the rest to flight. This treachery caused a terrible commotion in London: the mob being got together, resolved to be revenged for this outrage, the authority of the mayor not being able to curb them. A citizen of London, one

1222.  
*Constantine  
fires up the  
Londoners to  
a revolt.*

*Hubert or-  
ders him to  
be hanged;*

*and punishes  
some more  
of the riot-  
ers.*

Constantine, an incendiary, who had been a zealous stickler for the French during the troubles, heading the rabble, did all he could to inflame them: he represented to them it was in vain to expect justice from magistrates regardless of the honour of the city, and therefore they ought, without delay, to make their enemies know the citizens of London were not to be attacked with impunity. His speech meeting with applause, he cried with a loud voice, "Monjoye St. Dennis!" the watch-word of the French, and marching towards Westminster at the head of the mob, caused the steward's house to be pulled down to the ground, after which he returned in triumph to London. The tumult being appeased, Hubert, chief justiciary, came to the Tower, and commanded several of the citizens to appear before him. Constantine was there among the rest, and maintained to the justiciary's face, that "the citizens of London had done nothing punishable by the law, and were resolved to stand by what they had done." Hubert seeing this insolence, dismissed all the rest, and detaining Constantine, ordered him to be hanged the next morning, though he offered a thousand marks for his life. The justiciary's severity did not stop here: a few days after, he caused to be seized in their houses the chief rioters, some of whom had their hands, and others their noses and ears cut off, and then were sent back thus maimed into the

*f Mat. Paris says fifteen thousand, for it seems he was very rich,*

*city.*

city. After this he turned out all the magistrates of London; and obliged thirty of the most considerable citizens to be pledges for the good behaviour of the city; to which the communities agreed by a charter sealed with their common seal<sup>s</sup>. This rigour might have been justifiable, if Hubert had not acted in an arbitrary manner, and directly contrary to the tenor of the Great Charter, which ordered, pursuant to the ancient custom of the kingdom, that every man should be tried by his peers: hence he became odious to the nation, and especially to the Londoners, who did not fail to make him feel the effects of their hatred; when it was in their power.

These arbitrary proceedings of the judiciary obliged the parliament, which met some time after at London, to request the king that he would be pleased to cause the Charter of Liberties, which he had sworn to confirm, to be observed throughout the kingdom. This request was not relished by those who were then at the helm. Since the death of the earl of Pembroke, the court with the new ministry had taken up new maxims, inasmuch that what appeared to the former regent to be highly just, seemed the reverse to the present ministers. When the parliament presented their petition to the king, one of his counsellors<sup>a</sup> replied, "It was not reasonable to desire the execution of a charter extorted by violence." This imprudent answer gave great offence to the archbishop of Canterbury, who sharply reproved the counsellor, telling him, "If he really loved the king, whose interest he seemed to have so much at heart, he would not seek to involve the kingdom again in troubles; from which it was happily freed." Henry, who was then but sixteen years of age, approved of what the archbishop said, and declared it was his intention to cause the charters of his father to be strictly observed. Accordingly, some days after, he sent his orders to all the sheriffs, to see them put in execution<sup>b</sup>.

1223  
The parliament petitioned the king that the charter may be observed, Mat. Paris. p. 316.  
M. Waddington

<sup>a</sup> They bound themselves to deliver up the surties to the king or judiciary, whenever they were called for; and if any of them died, to add others in their stead. This is mentioned by no historian, but the recognizance is found upon record in the tower. See Dr. Brady's Appendix, n<sup>o</sup> 147.

<sup>b</sup> William Brewer. Mat. Paris.

<sup>c</sup> According to M. Paris, he sent his letters to all the sheriffs to make inquiry by the oath of twelve knights or legal men in every county, what were the Liberties of England in the time of king

Henry his grandfather, and to send a return thereof to London fifteen days after Easter. But neither is this account exactly true; for it appears by the writ itself, still extant, that the enquiry was to be, what customs and liberties were granted by king John, which shews of what use the records are, to rectify the mistakes of the historians. The writ was as follows: "Rex vicecomiti Suffex, salutem. Præcipimus tibi quod diligenter inquiri facias in plano comitatus tuo per sacramentum duodecim cives legalioribus de discretioribus

## THE HISTORY

If he had always continued in these dispositions, it would have saved him many vexations and misfortunes, to which he was afterwards exposed. Mean time the parliament satisfied with what the king had done, granted an aid of three marks for every earl, one mark for every baron, a shilling for every knight, and for every house in the kingdom, one penny<sup>1</sup>

W. Coven.  
An. Waverl.

The king of  
France dies,  
and is suc-  
ceeded by  
Lewis his  
son, who re-  
fuses to per-  
form his  
oath.

M. Paris.

M. Paris.

Great credit  
of the justici-  
ary.

He gets the  
pope to de-  
clare the  
king of age.

Philip Augustus king of France dying about this time, and Lewis VIII. his son succeeding him, Henry's council thought proper to send ambassadors to the new king, to challenge the performance of his promise with regard to the territories taken by Philip from king John. Lewis answered, he did not think himself obliged to the performance of a treaty which the king of England had first violated in exacting large ransoms of the prisoners, and neglecting to restore the ancient laws, as was agreed: that for his part, he held Normandy and the other provinces taken from the English by right of conquest, and as their sovereign lord; and in case his right was disputed, he was willing to submit to the judgment of his peers. Some say, he alledged also the death of Constantine in revenge, as he pretended, for his affection to France, as a reason why he thought himself free from all his engagements; after which, he dismissed the ambassadors without farther reply.

Whilst these things were transacting, the favour and credit of the justiciary were increased to such a degree, that he assumed a power to which none in his post had ever pretended. He was not content as long as there was one above him, from whom he was obliged to receive orders. This was the bishop of Winchester, who being appointed regent by authority of parliament, could not easily be removed. As the regency was still, to last some years, Hubert thought he had found an infallible way to shorten it, by obtaining from the pope a bull declaring the king of full age. This bull authorized Henry

" militibus comitatus tui per quos rei  
" veritas melius sciri poterit quas con-  
" suetudines & quas libertates dominus  
" Johannes rex pater noster habuit in  
" balliva tua die qua guerra incepit  
" inter ipsum & barones suos Anelise  
" de terris & forestis & aliis infra Bur-  
" gos & extra, & quas consuetudines &  
" libertates ipsum regem patrem nos-  
" trum tunc habuisse didiceris per in-  
" quisitionem predictam, clamari &  
" firmiter nobis observari facias in co-  
" mitatu tuo, & inquisitionem illam  
" & nomina inquisitorum nobis scire  
" facias apud Westmonasterium in  
" crastino clausi pasche distincte &

" aperte sub sigillo tuo & sigillis co-  
" rum per quos inquisitio illa facta fue-  
" rit, & habes ibi hoc breve. Teste H.  
" &c. apud West. tricesimo die Junii  
" arii." Claus. 7 Hen. III. M. 14.  
Dorso.

<sup>1</sup> Walter of Coventry, and the Annals of Waverley say, it was a poll-tax for the successors of the Holy Land. And, besides the sums mentioned by Rapis, the last informs us, that every freholder paid one penny; and whoever had chattles to the value of half a mark, paid likewise a penny: but this tax was soon after abolished, An. Waverl.



to take the reins of government into his own hands, without being obliged any longer to make use of a regent. The bull likewise enjoined all that had the custody of the king's castles, forthwith to surrender them to the king, to be disposed of according to his pleasure. But how express soever this order might be, the barons refused to comply<sup>m</sup>, because it was directed contrary to the laws of the realm, by which the king was not to be of age till one and twenty. The barons agree not to it.

This artifice not succeeding, Hubert invented another to compass his ends. As the pope's declaring the king of full age was to no purpose, since the barons would not agree to it, and as it was impossible to extort their consent as long as they were masters of the castles, he devised this stratagem to wrest them out of their hands. He caused the king to demand of him the castles in his custody, to which he submitted, on condition the rest of the barons should do the same. Accordingly he surrendered to the king the Tower of London, and the castle of Dover, the two most important places in the kingdom. Some of the barons followed his example, not imagining there was any fraud in this proceeding. But when once the king was in possession of their castles, he restored to Hubert all those he had voluntarily resigned, thus openly deriding their credulity. A proceeding so unworthy of a prince began from thenceforward to breed in the barons an ill opinion of the king. They were chiefly incensed against the favourite, whom they looked upon as the principal contriver of the cheat. Most of those that had places at court, not being able to bear the pride and haughtiness of this minister, resigned them, and retired into the country, with a resolution to embrace the first opportunity to be revenged. Mean time, all the lords not having fallen into the snare, Hubert tried to bring them to obedience, by threatening them with excommunication. Some were frightened into a compliance; but others resolved to stand their ground, in spite of the king and his justiciary. Hubert's artifice to get the castles from the barons. Rad. de Cogg. M. Paris.

These domestic broils were interrupted by foreign wars. Lewis VIII. king of France, not content with refusing to perform what he had promised with an oath, confiscated all the territories held by the English in France, and marched directly into Saintonge, where he became master of several places; after which he laid siege to Rochelle, where Savary 1224. The king of France attacks Saintonge, and takes Rochelle. Act Pub. tom.

<sup>m</sup> The chief of them were the earls of Chester and Albermarle, John constable of Chester, Faulk de Biant, Robert de Vieuxpont, Brian de L'Isle, Peter de Maulion, Philip Marc, Ingelard de Athie, William de Cantello, and his son, &c. M. Paris.

M. Paris.  
P. Emlynus,

de Mallion was governor. It is said, this lord, who had received intelligence of the king of France's designs, demanding a supply of money of the court of England, there was sent him instead of the money a coffer full of old iron. So shameful a neglect of the preservation of a place, which deserved the whole care of the ministry, so provoked the governor, that he surrendered the city in a few days, and turned to the French\*. Lewis's pretence for breaking the peace was, that Henry, as duke of Guienne, did not assist at his coronation. But the true reason was, that he was willing to take advantage of that prince's minority, to expel the English entirely out of his kingdom. This war, begun upon so slight an occasion, of which Lewis had not so much as made any complaint, convinced the court of England, that it was indispensably necessary to send an army into France. Accordingly a parliament was called to consider of ways and means.

Rebellion of  
Faulk de  
Brent.  
M. Paris,  
M. West,  
T. Wikes,  
An. Waver,

Whilst the king and parliament were employed in this affair, the outrages committed by Faulk de Brent interrupted their debates. Faulk, encouraged by William of Albemarle's impunity, tyrannized over his vassals and neighbours, and committed such violences, that he was condemned in a fine of a hundred pounds sterling, by three judges sent down on purpose\*. His fierce and haughty temper causing him to consider this sentence as a great injury, he resolved to be revenged. To that end, he sent William his brother to Dunstable, where the judges were holding the assizes, with orders to seize them by force and bring them to him. Two of them escaped, but the third, Henry de Braibrock, was taken and carried to Bedford castle, where he suffered a thousand indignities. News thereof being brought to the parliament, it was unanimously resolved, that this disturber of the peace should be exemplarily punished, and all other business laid aside till that affair was ended. Pursuant to this resolve, Faulk's brother, who commanded in Bedford, being summoned to surrender the town to the king, and refusing to obey, was attacked so vigorously, that he was at length forced to surrender at discretion. What endeavours soever his friends might use to appease the king, they could not prevent his being hanged, with four and twenty knights found in the garrison; after

\* We find in the Collection of the Public Acts, a letter, whereby it appears, there was treachery in the loss of Rochelle, either in the governor, or some of the inhabitants. Tom. i. p. 269. Repin.

\* Matthew Paris says, he had thirty verdicts given against him in the trials of Novel Disseisin, in each of which he was fined a hundred pounds, that is, in all, three thousand pounds.

which,

which, the castle was ordered to be razed to the ground<sup>p</sup>. Mean time, Faulk, who was retired into Wales, upon assurances given him by several lords to support him, finding they were not as good as their word, implored the king's mercy by the mediation of the bishop of Coventry. This prelate using the same arguments that were alledged by the archbishop of York in behalf of William of Albemarle, obtained the rebel's pardon as to life and limbs. But he could not hinder his being delivered to the custody of the bishop of London till the next year, when the parliament confiscated his estate, and banished him the realm. Henry obtained for the charges of this expedition an aid of two shillings upon every hide of arable land<sup>q</sup>.

Ast. Pub.  
tom. i. p.  
261, 272,  
273, 296.

But he wanted greater sums to carry on the war with France. 1225 For the obtaining whereof he called another parliament, of whom he demanded a fifteenth upon moveables. The parliament told him, they would readily grant him the aid he required, provided the charters of king John, which had all along been neglected, were punctually observed for the future. The king's circumstances not suffering him to deny their request, he readily granted it, and even sent into every county commissioners to see the charters executed<sup>r</sup>. But the effects of these orders were of no long continuance. However, people were so well satisfied of the king's good intentions, that never was tax levied with more exactness. To smooth the way, the bishops excommunicated all that should be guilty of any fraud.

A subsidy  
granted on  
condition  
that the  
charters  
were observ-  
ed.  
M. Paris.  
M. West.  
An. Waverl.

The king made use of this money to raise an army, which was sent into Guienne, under the command of prince Richard his brother, lately made earl of Cornwall. Richard, having the earl of Salisbury for his lieutenant, made some progress in Guienne, where he took St. Macaire. After that, he besieged the castle of La Reole, a strong place, which, by it's resistance, gave the earl of Marche, general of the French army, time to come to it's relief. The English historians pretend, Richard obtained a considerable advantage over the earl. The French, on the contrary, say, that perceiving he was not strong enough

Ast. Pub.  
tom. i.  
p. 277.  
M. Paris.  
M. West.

<sup>p</sup> So that, of all that strong and noble structure, no sign, except the mount, remains at this day; but the site and lands about it, were restored to William de Beauchamp, who laid claim to the same.

<sup>q</sup> And gave the great men that had accompanied him in this expedition, leave

to take a scutage of two marks from every knight's fee held of them. M. Paris, p. 322.

<sup>r</sup> The king signed and sent two charters to every county, one concerning the common liberties, the other of the liberties of the forests. M. Paris. An. 1225. Hemingford. An. Burton.

Tom. i. p.  
297.

1226

The king is  
declared of  
a. c.

An extor-  
dary de-  
mand of the  
pope  
M. Paris.  
p. 325.  
M. West.

The parlia-  
ment makes  
no reply to  
the legate's  
demand.

M. Paris.  
p. 339.

to hazard a battle, he retired beyond the Dourdogne, and shortly after into England. It is certain however, Richard quitted not Guienne till 1227, as appears from the Collection of the Public Acts,

The year 1226, began with a parliament, wherein the king, who was recovered from a dangerous illness, was declared of full of age, though he was not yet so old as the law required. But this was not the only business for which the parliament was called. A legate, lately arrived from Rome, had an extraordinary proposal to impart to them from the pope, which concerned the whole kingdom, and especially the clergy. The substance of the proposal was, that, since the holy see had long lain under the scandal of doing nothing without money, it was for the honour and interest of all christians to wipe away this reproach, by removing the cause. That it was notorious to all, the extreme poverty of the church of Rome, laid her under an absolute necessity of demanding some acknowledgement for the favours she dispensed to her sons, that she desired nothing more than to be in a capacity to proceed with moderation; and the best means to that end would be, for the faithful to grant her aids proportionable to her wants. Then the legate proposed, that to supply the urgent occasions of the holy see, there should be set apart for that purpose, out of every cathedral, two prebendaries; and out of every monastery, two monks portions; and that this grant should be confirmed by parliament. He supported his proposal with the most specious reasons he could devise; without promising however, that the pope would take nothing for his future favours, but only insinuating, he would use more moderation in that respect. It was not very difficult to perceive the pope's aim. Therefore all the legate's eloquence was not able to prevail with the parliament, who, to his great mortification, did not even vouchsafe to give him an answer. When he would have complained of this disobliging treatment of the pope, he was told, the absence of the king, and some of the principal bishops, prevented the taking into consideration a proposal of that nature. Not discouraged at this repulse, he required, that the session of parliament should be continued till the king and the absent prelates were come. But his instances were not regarded, and the parliament broke up, without coming to any resolution; so that the legate was forced to wait with patience till the next session. Mean time, he took a journey into the northern counties, where, under pretence of the right

of

of procurations\*, he oppressed the churches to such a degree, that they were forced to complain to the pope, who recalled him for fear of exasperating the English at so critical a juncture. However, the pope, who did not yet despair of obtaining what he had demanded, enjoined the archbishop of Canterbury to cause the parliament to meet again, and require a positive answer to the legate's proposal. The king having advised with the bishops, sent the pope word, that, since this affair did not only concern England, but all Christendom too, he was ready to conform to the resolutions which should be taken in other christian countries. This was properly a civil denial; for it was well known, a legate had made the same proposal in France, but to no manner of purpose.

The pope insists upon it, *ibid.*

Mean time, Henry continued his preparations to carry war into France. But he found himself obliged to suspend them; for Lewis, engaging to command a crusade against the Albigenses, had procured the pope's express orders to all christian princes, not to give him any disturbance during his expedition. Henry consulting his parliament upon these orders, was advised to put off the war till the return of the king of France, who was then besieging Avignon, where entrance was denied him. This prince died soon after his taking that place, not without suspicion of being poisoned by the earl of Champagne, who was desperately in love with the queen. Lewis IX. his son, succeeded him, under the guardianship of Blanch of Castile his mother, who, though a foreigner had interest enough to obtain the regency of the kingdom.

Lewis VIII. head of the crusade against the Albigenses. A.C. Pub. tom. i. p. 304. M. Paris, M. West. An. Waver, he dies, and is succeeded by his son.

Whilst the English arms were suspended by the superior orders of the court of Rome, Henry began his majority with an act of injustice, for which he had not the least colour. As he durst not demand any money of the parliament, who had so lately granted him a very considerable aid, he bethought himself of an expedient, formerly used by Richard his uncle on the like occasion, after his return from the Holy Land: Which was, to oblige all those that had charters to renew them, upon payment of such a sum. This order, the only end whereof was to fill the king's coffers, fell the heaviest upon the monasteries. All unjust methods invented by princes to extort money from their subjects, are so many inexhaustible springs of oppression, successors seldom failing to follow such precedents.

Henry causes all charters to be renewed in order to raise money. M. Paris, M. West,

\* The legates had a right to demand which had been converted into ready their expences to be defrayed, when they money. Rapin, visited the churches and monasteries,

1227.  
Hubert is  
suspected of  
poisoning  
the earl of  
Salisbury.  
M. Paris.  
Character of  
Henry III.

In the beginning of the next year, the sudden death of the earl of Salisbury, natural son of Henry II. at a banquet, to which he was invited by the chief justiciary, gave occasion for strong suspicions of that minister<sup>1</sup>. However, no inquiry was made, none daring to attack a favourite, who had an absolute sway over the king. As Henry advanced in years, he was observed to have qualities little consistent with a great prince; an extreme avarice, an astonishing fickleness, great caprice and unevenness in his conduct, an unusual easiness to be governed by those about him, and beyond all this, principles of oppression and tyranny, which afforded a terrible prospect for the future. Though he was declared of age the last year, he kept the bishop of Winchester near his person for the sake of his advice; but Hubert de Burgh would not suffer him to retain him any longer. He represented to him, that though he was declared of full age, he would always be considered as under the guardianship of a regent, as long as that prelate was at court; and it was for his honour and interest to shew his subjects he was capable of governing by himself. This advice being readily embraced by the king, who perceived not the motive, the bishop of Winchester was ordered to return to his diocese.

The bishop  
of Winchester  
is sent to  
his diocese.

Hubert ad-  
vises the  
king to be-  
come abso-  
lute.

Ibid.

The king  
begins to  
oppress the  
people.

Id. p. 336.  
M. West.

The English would have been unconcerned, and perhaps glad at the bishop's disgrace, if it had not been immediately followed by an event which convinced them, it would have been better the king's favour had been always divided. As soon as Hubert saw himself without a rival in the ministry, he endeavoured to set himself above the laws, by persuading his master, that his sole aim was to render him absolute. It was not difficult to engage him in a project so agreeable to his inclination. Besides the renewal of the charters, he had extorted five thousand marks from the Londoners, under pretence of their lending the like sum to prince Lewis when he left England. The town of Northampton had been compelled to pay him twelve hundred pounds, on some other no less frivolous pretence. The monasteries had met with no better quarter.

<sup>1</sup> He was son of Henry II. by Raimond. His body was buried at Old Sarum, and from thence removed to the new city, and interred in a monument, on the north-side of the chapel of our Lady, in the cathedral church in a tomb of wood, richly painted, diapered and gilt. His effigy lies thereon, of grey marble, in his coat of mail, his sword by his side, and upon his antique shield are six lions rampant embossed;

the like number of lions are painted also upon his surcoat; but by reason of the many foldings thereof, are not easily perceived. He married Ela, daughter and heir to William Fitz-Patrick earl of Salisbury, by whom he had four sons and four daughters. He was succeeded by his eldest son William Longespee, second of the name, earl of Salisbury. Sandford's Genealog. p. 175.

Notwithstanding

Notwithstanding their appeal to the holy see, he had exacted from them large sums, whilst the affair was depending before the pope. These things were plain indications, how little he was disposed to keep any measures with his subjects, and began to cause him to forfeit their esteem. But what he did further, by the violent counsels of the justiciary, entirely alienated their affection. On a sudden, when it was least expected, he annulled the two charters of the king his father, though he had bound himself by oath inviolably to observe them, pretending he was not obliged to stand to what he had promised during his minority. Hubert for his part, regardless of the murmurs of the people, by whom he was deemed the author of these pernicious counsels, caused himself to be created earl of Kent, in reward of the great service lately done his master, in freeing him from the yoke of these charters.

He annuls  
King John's  
Charters.

Hubert  
made Earl  
of Kent.  
M. Paris.

The conduct of the king and his minister bred such discontent among the barons, that it was easy to see their little affection for their sovereign. Prince Richard, who arrived from Guienne soon after the revoking of the charters, took advantage of the disposition of the barons, to brave the king his brother in a contest he had with him. King John having given one Waleran a German, a certain manor belonging to the earldom of Cornwall, Richard, as soon as he was invested with that earldom, ordered Waleran to appear and produce his title, and in the mean time caused the manor to be seized. Whether Waleran had lost his charter, or thought it defective, he refused to obey the summons. On the contrary, as if great injustice had been done him, he carried his complaints to the king, who without examining the affair, ordered the prince's officers to restore the manor. They found means however to be excused till the return of their master. Upon his arrival, Richard represented to the king, that he had done Waleran no wrong in obliging him to shew his original title: That his intent was not to deprive him of his lands by force, but to have the matter decided by the laws, and to that end offered to refer it to the judgment of the peers of the realm. Henry, offended at this proposal, fell into a passion with his brother, and commanded him to restore the manor in dispute by such a time, or depart the kingdom. Richard boldly replied, that he would do neither without the judgment of his peers, and immediately retired without staying for an answer. The justiciary, who never ceased to inspire the king with violent maxims, advised him to take the prince into custody. But whilst Henry considered of it, Richard withdrew from court, and posted to the earl of

Quarrel be-  
tween the  
King and  
Prince  
Richard.  
M. Paris.  
P. 337.

Richard's  
bold answer  
to the king.

## THE HISTORY

He makes a league with divers barons, who take up arms, M. Paris.

Richard is satisfied, and the league broken,

Gregory IX. Pope.

1228. Death of archbishop Langton. M. Paris. The election of another, whom the king refuses to confirm. M. Paris. T. Wikes.

of Pembroke to consult him upon this affair. Pembroke approved of what the prince had done, and perceiving this to be a favourable opportunity to check the arbitrary power the king had a mind to usurp, believed he ought to improve it. And therefore he assured Richard, he was ready to assist him with his life and fortune, and did not question but most of the barons would do the same. Indeed, shortly after, by the diligence of the earl-marshal, the earls of Gloucester, Chester, Warren, Warwick, Ferras, and Hereford, with many other barons, joined with Richard, and took up arms, to compel the king to restore the charters he had lately annulled. Hubert was alarmed at this confederacy. As he forelaw it might be attended with fatal consequences, he chose to procure a reconciliation between the two brothers. To satisfy prince Richard, the chief of the confederates, he got the king to settle upon him the queen their mother's dower, to which he pretended a right; and likewise to augment his appenage with the lands of the late earl of Boulogne. Richard, content with this liberality, said no more of restoring the charters, and the confederacy was dissolved. Thus the great use the pretence of the publick good to promote their interest, or gratify their passions. But when means are found to satisfy them as to their private concerns, they discover that the publick good was the least of their views.

Gregory IX. Pope Honorius III. died this year, and was succeeded by Gregory IX.

Stephen Langton, cardinal and archbishop of Canterbury, outlived Honorius but a few months. His eyes were no sooner closed, but the monks of St. Augustin, willing to secure the privileges of electing their archbishop, immediately chose Walter de Hemesham, one of their fellow monks. The king was offended at this election without his license\*, and refused to confirm their choice, because, as he alledged, the father of this monk was hanged for theft. On the other hand, the suffragan bishops of the province of Canterbury, angry that he was chosen without their consent, refused to accept him, because he had corrupted a nun by whom he had several children. Upon this he sent agents to Rome, to have the matter decided there. Mean time the church of Canterbury remained vacant.

\* M. Paris says, it was done with the king's license, but that Henry not liking the man they had chose, thought fit to set him aside.

\* The king's agents were, the bishops of Rochester and Chester, and John archdeacon of Bedford. M. Paris, p. 350.



This year the Welch making irruptions into England, the king marched into their country to chastise them. But after harrassing his troops to no purpose, he returned without making any progress.

War with  
the Welsh.  
M. Paris.

This same year, the pope thundered out a bull of excommunication against the emperor Frederic II. for neglecting to carry his arms into the Holy Land, as he had solemnly vowed. How haughty soever this monarch might be, he was forced to bend under the papal power, and perform his vow the next year.

Frederic II.  
excommu-  
nicated.  
Id. p. 354.

Whilst these things passed, the regency of Blanch, mother of St. Lewis, occasioned in France disturbances, which Henry might have turned to his advantage, had he known how to improve them. But this prince was not of an enterprising genius. If ever he formed any projects, it was always in disadvantageous circumstances, whilst he neglected the most favourable. A fairer opportunity than this had never offered to recover the provinces the English had lost in France, had it been well managed. The Normans siding with the confederate barons against the queen regent of France, sent Henry word, that if he would come in person, he should be received with open arms and put in possession of that rich province. On the other hand, the Poitevins importuned him to come and seize such of their towns as were in the hands of the French, offering him their assistance. At the same time the Gascoigns sent the archbishop of Bourdeaux to inform him, it was now in his power, by taking the advantage of the commotions in France, to expel the French out of the places they were possessed of in Guienne. Such pressing invitations, at so favourable a juncture, should have induced Henry to make a vigorous push for the recovery of what his father had lost by his negligence. But, by a blindness imputed to the counsels of the justiciary, he answered, he would stay for a more convenient opportunity, as if he had

Troubles in  
France,  
which Hen-  
ry takes not  
the advan-  
tage of.  
Id. p. 354.  
M. Wals.

7 This war was no more than this: There being a wood near Montgomery Castle, which used to be a receptacle for robbers, the garrison undertook, with the assistance of the country people, to make the road, that led through that wood, wider, and clear it of the thickets on each side. Whilst they were at work, the Welsh came upon them, and forced them to retire into the castle, which they besieged. But the king and Hubert (to whom that castle belonged) came and raised the siege: And then

carried on the work as far as a Cistercian monastery, called Cridie, which they burned. Hubert finding the place to be impregnable, ordered a castle to be built there; but the Welsh so distressed king Henry's army, which by the way inwardly favoured Lewelin, that Henry was forced to make a disadvantageous peace; one article whereof was, That this castle should be demolished, and Lewelin should give Henry for his charges three thousand marks.

been

been sure of one every day. We shall see hereafter, that he rashly embarked in this undertaking, at a time when there was not the least appearance of success. Thus did this prince blindly suffer himself to be guided by his ministers, who abused his weakness to advance their own affairs, without any regard to the interest of their master.

The pope nominates another archbishop of Canterbury.  
M. Paris, p. 353.

Mean time, the dispute concerning the election of the archbishop of Canterbury was carried on at Rome with great warmth, though the pope was not yet pleased to determine the matter. But at length, the king's envoys offering the pope a tenth of all the moveables in England and Ireland, and this offer opening his eyes, he voided the election made by the monks. At the same time, under colour of preventing any future dispute, he himself conferred the archiepiscopal dignity on Richard le Grand, chancellor of the church of Lincoln; wherein he outdid even Innocent III. who was willing at least to keep up some form in causing Langton to be elected by the monks that were sent to him. Though this incroachment of Gregory was of a more dangerous consequence than that of Innocent, yet the king and the suffragan bishops received the new archbishop, pleased with having voided the monks election, without troubling themselves about the prejudice the church of England thereby received.

He demands the promised tenths.  
M. Paris, p. 361.  
M. West.  
An. Waverl.

Shortly after, Gregory, who would not long be deprived of the effect of the promises lately made him, sent one of his chaplains into England to collect the tenths, which were to be expended in his war with the emperor. The king assembling the parliament \* upon this occasion, the chaplain laid before them the pope's letters, strongly urging the performance of what he had been made to expect. All eyes were fixed upon the king, in expectation that he would oppose this exaction, and disclaim his envoys. But when he was seen to keep silence, it was easily perceived, the promise had been made by his order, or at least that he had not the courage to contradict the pope's will. The lords \* therefore thought it their duty to shew greater resolution than the king. The affair seemed to them of such consequence, that they unanimously resolved, not to suffer their lay-fees to be thus liable to the exactions of the court of Rome. However, to satisfy the pope in some measure, they proposed to give him a certain sum, without inquiring into the effects of each particular

He meets with opposition:

\* The archbishops, bishops, abbots, expressed it, p. 361. This Parliament ignores, templars, hospitallers, earls, barons, rectors of churches, and those that held of him in chief, [et Mat. Paris, Mat. Paris words it. p. 362.]

\* The earls, barons, and lords, as

person. In all appearance this method would have been taken, had not Stephen de Segrave, one of the barons, voluntarily submitted to the pope's demands, and drawn in others by his example. The number of those that suffered themselves to be gained increasing by degrees, the greatest opposers were forced to yield, that they might not incur the indignation of the king and the pope. The clergy durst still less venture to resist, for fear of being exposed to the excommunication they were threatened with. The nuntio, having thus attained his ends, produced a full power from his master to collect the tax, which was to be paid out of all moveables of what nature soever. He executed his orders so rigorously, that he caused the tenths of all sorts of fruits, even of such as were yet growing, to be paid him in money. Neither was this all. That this tax might be levied with the more speed, he obliged the bishops to advance the money for the inferior clergy, impowering them to reimburse themselves in the manner they should think proper. The prelates and abbots therefore were under a necessity of finding ready money. But as several were not able to raise it soon enough, the nuntio had provided against this inconvenience, by bringing with him certain Italian usurers, who lent them money at an extravagant interest. Thus did the pope abuse the king's weakness, who might easily have prevented this exaction, by a vigorous opposition. For the earl of Chester his subject, had the power to hinder this tax from being levied upon his lands, by stoutly maintaining, in spite of the nuncio's clamours, that the pope had nothing to do with lay-fees. But besides that, Henry was terrified by the example of the king his father, which was ever in his thoughts; he had another reason that induced him to this condescension for the pope. In his project of rendering himself absolute, and raising money upon his subjects by all sorts of ways, he was very sensible he should need the pope's protection, and nothing could procure it sooner, than to let him share in these exactions. Accordingly, we shall see in the sequel of this reign, that the pope and the king mutually stood by each other, whenever the business was to extort money from the English.

but gains his point.

The nuncio raises the tenths with rigour. M. Paris.

The king and pope stand by one another.

The king forms the design of carrying war into France.

The nation had scarce forgot the pope's late oppression, when they saw themselves obliged to furnish the king with means to make war upon the king of France. After the disturbances in that kingdom were appeased, and consequently the opportunity of profiting by them was lost, Henry formed the design of recovering by arms the provinces taken from the king his father, without considering that the posture of

## THE HISTORY

Ships are wanting to transport the troops. The king is angry, and would have killed Hubert.

The expedition is deferred.

Affairs of Palestine. M. Paris.

affairs in France was very much altered, the lords that opposed the queen-regent being all humbled, and no longer able to assist him. To execute this design, he resolved to make great preparations; and for that purpose summoned all the vassals of the crown<sup>b</sup> to meet him after Michaelmas at Portsmouth, where he assembled one of the finest armies that had ever been raised in England<sup>c</sup>. However, this extraordinary armament proved fruitless; by reason when the troops came to be embarked, there were not ships enough to transport them. This disappointment threw the king into such a passion with Hubert de Burgh, who had taken upon him to get all things ready, that he called him Old Traitor. He charged him with receiving a bribe from the court of France<sup>d</sup>, to put a stop to the expedition, and in his rage drew his sword to kill him, but the earl of Chester interposed; not so much to save the justiciary, as to prevent the king from imbruing his hands in the blood of one of his subjects. It does not appear, whether Hubert acted out of design or negligence; however that be, the embarkment was forced to be retarded the whole winter. To this the arrival of Peter de Dreux earl of Bretagne did not a little contribute; who perceiving, so much time had been lost, in waiting for transport-ships, and that the English army, the season being too far advanced, would be obliged to take up their winter quarters in his dominions; where they were to land, advised the king to defer the undertaking till the spring. During this interval, Hubert found means to be received into favour again, and to have the administration of affairs as before.

This year the emperor Frederic carried his arms into Palestine, and compelled the sultan of Egypt to surrender Jerusalem<sup>e</sup>. He would have pushed his conquests farther, had not the excommunication, denounced upon him by the pope the last year, weighed more with the templars and hospitaliers of the Holy Land, than the valour of that prince. Their prejudice against him rose to that height, that they plotted to deliver him into the hands of the sultan, to whom they had even communicated their design. But this prince, though an infidel, abhorring their treachery, was so generous as to discover it to Frederic. This generosity turned more to his ad-

<sup>b</sup> The earls, barons, and knights. Ed. p. 363.

<sup>c</sup> He had soldiers even out of Ireland, Scotland, Wales, and Galway. *ibid.*

<sup>d</sup> Five thousand marks. M. Paris, p. 363.

<sup>e</sup> The emperor sent king Henry a large account of his proceedings in a letter under his own seal, the copy of which Mat. Paris has inserted in his history under the year 1229. p. 356.

vantage than having the emperor in his power. By that means he sowed among the Christians of Palestine such discord as was extremely prejudicial to their affairs. Frederic finding he could expect no assistance from the Christians of the Holy Land, and that the pope diverted to other uses the crusades designed against the Saracens, made a ten years truce with the sultan, and returned into Europe.

Though Henry waited with impatience for the spring in order to transport his army into France, his stay in England during the winter was not in vain. He procured a considerable present from the clergy, exacted also a large sum from the city of London, and to leave no means untried to raise money, compelled the Jews, who were then very numerous in the kingdom, to pay him a third part of their substance. As soon as the spring was come, he embarked with his army at Portsmouth, and landed at St. Maloes, where he was received by the earl of Bretagne, who put into his hands all his strong towns and castles. Mean time the French having had all the winter to prepare, were posted near Angers, with design to hinder his march into Poitou. Henry gave them time to fortify themselves in their post, whilst he continued at Nantz, expecting the rest of his troops, which were to come from Ireland. Though by the prudent conduct of the queen-regent of France, the male-contents were humbled, and had promised to remain quiet, they no sooner saw the king of England in Bretagne, and all Lewis's forces employed in those parts, but they began to stir again. Upon which the king and the queen-regent were obliged to quit Anjou, in order to oppose the designs of the male-contents, which seemed to them of more dangerous consequence than the progress the English might make. This was the time for Henry to act vigorously, especially as the Normans pressed him to march into their country, where they were ready to receive and assist him to the utmost of their power. But though he was inclined to turn that way, it is pretended he was dissuaded by his favourite, who told him, the attempt was liable to very great difficulties. Instead therefore of marching into Normandy, he went to Poitou, and took the castle of Mirabel. After which as if he intended to shew the French male-contents they were to expect nothing from him, he came to Guienne to receive the fealty of the Gascoigns. In short, after losing much time, he returned into Bretagne, where he employed himself in such a manner, as demonstrated his little inclination for war. This conduct gave occasion to suspect his ministers of holding intelligence with

1229.  
Henry raised money by unjust methods. Id. p. 365.  
M. West. Makes a descent into Bretagne. An. Waverl. T. Wikes. Act Pub. T. i. p. 315.

M. Paris.

Marches into Guienne, and from thence returns into Bretagne, without doing anything against the French.

the enemy, who had time sufficient to appease the troubles of the kingdom. Accordingly, the queen-regent took this opportunity, which was so preposterously given her, to be reconciled with the confederate barons. They readily consented to a peace, when they found Henry made no advances to support them.

At the approach of the French he retires into England.

As soon as the queen-regent had nothing to fear from the barons, she ordered the army to march towards Bretagne, where Henry was lavishing away the remains of his money in entertainments and diversions, as if in leaving England he intended only to take a journey of pleasure<sup>f</sup>. Upon the first news of the enemy's approach, finding his treasure spent, and fearing to draw upon himself all the forces of France, he shamefully returned into England. Nay he was very hardly prevailed with to leave part of his army in Bretagne, under the command of the earls of Chester and Pembroke<sup>g</sup>, to support the duke, whom he had unseasonably engaged in the war. These lords, less timorous than their king, with these few troops, not only hindered the French from entering Bretagne, but made incursions into Anjou and Normandy, from whence they carried away a great booty. Thus ended this expedition. Instead of procuring any advantage to Henry, it served only to render him contemptible to his subjects, who would never more hearken to an expedition against France, since he had made such ill use of so favourable a juncture. He cast the whole blame on the treachery of the earl of Marche and the Poitevins, who performed not what they had promised. But he was himself the cause of their change, since, in all appearance they would not have deserted him, if his proceedings had given them any hopes of a powerful protection.

Æt. Pub.  
T. i. p. 325.

1230.  
Rebellion  
in Ireland.  
M. Paris.

During Henry's absence in Bretagne, some commotions happened in Ireland. The king of Connought, willing to take advantage of the weakness of the English, whose best troops were sent to the king, invaded their territories with a great army, or rather with multitudes of unwarlike people. But he found in Geoffrey de Maris, justiciary of Ireland<sup>h</sup>, a more formidable enemy than he expected, who, killing twenty thousand of the Irish, took their king himself prisoner.

<sup>f</sup> M. Paris says, the earls and barons spent their whole time in feasting and drinking; and the soldiers sold their horses and arms, that they might have something to make merry withal. p. 367.

<sup>g</sup> In his return from this expedition

died Gilbert de Clare, earl of Gloucester, and was buried in Tewksbury abbey, in the same county. An. Waverl. p. 192.

<sup>h</sup> With the assistance of Walter de Lasci, and Richard de Burgh. *ibid.*

Though

Though the king had consumed in needless expences the 1231.  
sums granted him for the French war, he made that dishon- Subsidy granted the king.  
ourable expedition a pretence to demand a new aid. The T. Wikes,  
parliament<sup>1</sup> were very unwilling to comply, but however  
were prevailed with at length by the consideration of his great  
wants, and granted him a scutage of three marks upon every  
knight's fee, held of the crown.

Shortly after, Richard archbishop of Canterbury com- Disput of the arch- bishop of Canterbury.  
plained to the king, that upon the death of the earl of M. Paris, p. 368. M. West.  
Glocester, Hubert de Burgh had seized the castle of Tun-  
bridge, though it was a fief of the archbishopric. Henry  
told him the wardship of the young earl of Glocester belong-  
ing to him, it was his prerogative to dispose of it to his justifi-  
ciary during the heir's minority; adding he thought it very  
strange that he should call his right in question. This answer He goes to Rome;  
not satisfying the archbishop, he excommunicated without  
distinction, all such as wrongfully detained the church's lands,  
and immediately departed to carry his complaints to the  
pope.

About the same time, Prince Richard, the King's brother, Prince Richard's marriage; M. Paris. M. West. An. Waverl  
married the countess dowager of Glocester, sister of the earl Death of the earl of Pembroke.  
of Pembroke, who died soon after his sister's marriage. He  
left his estate by will, to Richard his brother, who was still in  
Bretagne, where he did the state signal services. A three The king defrauds his brother of the inheritance, M. Paris, p. 369.  
months truce giving him leisure to return into England, he de-  
manded his brother's inheritance, seized by the king. Henry  
wanting an excuse to enjoy the profits, answered, That he  
heard his brother's widow was with child, and therefore could  
not dispose of the inheritance till she was delivered. But as  
he knew the falsehood of this, he sought a more plausible  
pretence. He charged Richard with holding correspondence  
with France whilst in Bretagne, and without suffering him to  
vindicate himself, commanded him to depart the kingdom  
within fifteen days. It was shocking to an English earl to see  
himself treated in this manner: but it was still more so to the  
son of that earl of Pembroke, who had set the crown on the  
king's head, and established him in the throne in spite of his  
enemies. Richard indeed quitted England, but it was to pass He revenged himself on Ireland.  
into Ireland, where he took possession of the castles and lands  
belonging to his family. Which done, he levied troops, and  
made himself amends out of the king's demesns, for what  
was unjustly detained from him in England. Whether Henry The king gives him his estate  
dreaded the consequences of this revolt, or was made sen-

<sup>1</sup> Which met at Westminster, Jan: 26. Id. p. 367.

sible that the injustice done the earl was too manifest to be maintained, he recalled him from banishment, gave him possession of his estate, and invested him with the office of earl-marshal, enjoyed by his brother. It was the temper of this prince, to behave haughtily to such as he thought unable to resist him, and to yield on a sudden to those that opposed him.

Henry makes war with the Welsh, but to little purpose.  
M. Paris.  
A. & Pub.  
T. i. p. 318, &c.

Lewellyn prince of Wales having lately made some incursions into the borders of England, Henry let him proceed for some time. But when he thought the Welsh prince no longer expected to be attacked, he resolved to go in person and chastise him\*. However upon his first resistance his warlike ardor abated, and he returned without effecting any thing.

Several matches proposed come to nothing.  
A. & Pub.  
T. i. p. 273, 275, &c.

Though Henry was now in the twenty-fifth year of his age, he had been forced to live unmarried, because all his projects on that account had miscarried. His first design was to espouse Yolante, daughter of the duke of Bretagne, to whom he was engaged by oath. But whether the pope refused a dispensation, or for some other reason, the design was not executed. A match was likewise proposed between him and the duke of Austria's daughter, but with no better success. Some time after, he wrote to the archbishop of Cologne, to impart to him his intent of entering into a strict alliance with the empire, by marrying the daughter of the king of Bohemia. But we do not find the affair was carried any farther. He had also the mortification to be disappointed this year, in his design of espousing the second daughter of the king of Scotland, sister of the justiciary's wife. The jealousy of the English barons put a stop to this marriage. As they could not bear to see the king married to the younger sister of the wife of one of his subjects, they were so urgent with him to divert him from it, that he did not think fit to conclude an affair, which met with so strong opposition. I shall add here, to avoid mentioning it elsewhere, that, four years after, he would have married the daughter of the earl of Ponthieu; but this project, like the rest, came to nothing. Though he was contracted to her, and ambassadors were dispatched for the pope's dispensation, he altered his mind whilst they were on the road, and sent them orders not to speak of the affair.

p. 293.

M. Paris.  
M. West.

p. 330, &c.

\* He assembled a large army at Oxford in July, where Lewellyn was communicated: From thence he advanced as far as Hereford, and caused

Maud castle in Radnorshire to be rebuilt. He returned into England in October. Mat. Paris.



## OF ENGLAND.

The archbishop of Canterbury so effectually pleaded his cause at Rome, that he obtained an order from the pope to take possession of the castle of Tunbridge during the nonage of the earl of Glocester. But he could not reap the benefit of this favour, death seizing him as he was returning to England. When the monks of St. Augustin heard the news, they forthwith elected the bishop of Chichester <sup>1</sup> chancellor of the kingdom. The king confirming their choice, invested the prelate with the temporalities of the archbishopric. But the archbishop elect could never obtain the pope's confirmation, to whom it was represented <sup>m</sup> that he was too much a courtier. This single reason was sufficient to induce the pope to void the election, and order the monks to chuse a person more devoted to the holy see.

Death of the archbishop of Canterbury.  
M. Paris.  
P. 370.  
M. West.  
An. Waverl.

An election confirmed by the king and nulled by the pope.  
M. Paris,  
P. 371.

In the beginning of the year 1232, Henry called a parliament <sup>n</sup>, of whom he demanded an aid, to enable him to pay the debts contracted by his late expedition into France. The earl of Chester replied, in the name of all the barons, that they had assisted him not only with their money, but also their persons, and therefore owed him no further aid. The clergy, who were no better inclined to the king, desiring time to consider of the matter, the parliament was prorogued till Easter.

1232.  
The king demands a subsidy, but is refused.  
M. Paris,  
M. West.

Besides that the king had made an ill use of the aids granted him by the parliament, he gave the clergy, nobility, and people, another and no less grievous cause of discontent. They saw, the king openly favoured the usurpations of the court of Rome, and by an affected connivance, suffered the pope to trample daily upon the rights of the church and the kingdom. The popes, not contented with exacting from time to time on divers pretences, large sums from the clergy, were manifestly aiming at getting into their hands the collations of all the vacant benefices, and consequently the rights of the patrons were going to be quickly abolished. Moreover, the conferring of almost all the benefices upon Italians, or other foreigners, could not but very much incense the English. This disgust was carried so far, that above four-score persons of quality entered into a confederacy to dispossess the Italian ecclesiastics of whatever they held in

Confederacy against the foreign ecclesiastics.  
M. Paris.  
P. 371, &c.

<sup>1</sup> Hugh de Neville.  
<sup>m</sup> By Simon de Langton, who added, that he was unlearned and hasty; and what was worse, if he should be promoted to that dignity, would cause the

kingdom to shake off the papal yoke.  
M. West.  
<sup>n</sup> Which met at Westminster, March 7. M. Paris.

# THE HISTORY

England. The confederates having chosen Robert de Twenge  
 • for their leader, forcibly entered several houses of these  
 foreigners, and carrying away what things of value they met  
 with, distributing them to the poor. This was done with so  
 little noise, that not a man stirred, either to oppose or punish  
 the authors. But the pope, who was soon informed thereof,  
 wrote so severe a letter to the king, that to judge by the  
 contents, one would have thought the church had received a  
 mortal wound. Besides, without considering that the laws  
 and customs of England required a previous process and exa-  
 mination of matters, he commanded the king to punish im-  
 mediately the disturbers of the church's peace, upon pain of  
 excommunication and interdict, if he deferred a moment the  
 chastisement of the guilty. These threats obliging the king  
 to issue out orders to make strict enquiry after the authors of  
 this violence, he found there were more persons concerned in  
 it than he imagined, and that the bishops themselves were in  
 the plot, or had countenanced it by their silence. However,  
 for the pope's satisfaction, the chief leader of the confederates  
 was apprehended and sent to Rome, pursuant to his holiness's  
 orders. Some sheriff's and other officers were imprisoned for  
 neglecting to suppress the riot. In all likelihood, the num-  
 ber and quality of the parties concerned, prevented any farther  
 prosecution of the affair.

A. & Pub.  
 T. i. p. 322.

M. Paris.

Another  
 election of  
 an archbi-  
 shop voided  
 by the pope.  
 M. Paris,

Disgrace of  
 Hubert.  
 An. Wayerl.

During these transactions, the monks of St. Augustin hav-  
 ing elected another archbishop, according to the orders they  
 had received, and their choice not being more agreeable to  
 the pope than the former they were enjoined to proceed to  
 a third election.

How great a calm soever there seemed to be for some years  
 in the king's court, a storm was secretly gathering against the  
 justiciary, which proved the more fatal to him, as he was  
 not prepared for it. Ever since the king was perceived ca-  
 pable of entertaining suspicions of his favourite, the enemies  
 of Hubert had not ceased to do him ill offices. Their pro-  
 ject was so well managed, that the king was persuaded to  
 recal the bishop of Winchester to court, and make him one  
 of his counsellors. This prelate had no sooner the king's ear,  
 but he laboured incessantly the ruin of the favourite, being  
 sensible, his own safety depended on the downfall of his ri-

• A knight in the north of England.  
 He declared the reason of his stirring  
 was, because the pope attempted ille-  
 gally to deprive him of the patronage  
 of a church, which was the only one

he had. Mat. Paris.

Mat. Paris says, Hubert de Burgh  
 had granted them the king's letters  
 patents, as well as his own.

val,

As he earnestly fought all occasions to compass his ends, an opportunity soon offered, which he failed not to improve. The prince of Wales having made, without opposition, several M. Paris. incursions into England, the bishop of Winchester represented to the king, how great a reproach it was, that so despicable a people as the Welsh should thus plunder his subjects, and no endeavours be used to prevent it. The king replied, "He was so far from having money to undertake a war, that his treasurers had even told him, his revenues would scarce suffice for the necessary expences of his family." These words furnished the bishop with what he wanted, namely a pretence to blame the conduct of the prime minister. He told the king, "The want he complained of proceeded from the ill management of the treasury. That the persons through whose hands the money passed, were not called to an account. That the wardship of minors was continually given to private persons, without any benefit to his exchequer. That he received no profit from the revenues of the vacant benefices, or from the lands which by death or confiscation fell to the crown." He added, "That by these means the kings his predecessors were wont to fill their coffers, and consequently stood not so much in need of parliamentary aids, but lived in a greater independence." Henry taking advantage of this advice, called all his sheriffs, and such as had the management of the treasury, to account, and made Peter de Rivaulx, the bishop of Winchester's nephew <sup>1</sup>, treasurer of his chamber. This was only a trial of the bishop's credit, to pave the way to the execution of his main design. These changes were followed by some others, tending to remove from court the creatures of the justiciary, whose interest visibly decreased, as his rival's gained ground. In short, the bishop knew so well how to manage the king, that he caused Segrave his principal confidant to be promoted to the office of justiciary, in the room of Hubert, who was turned out, though he had a patent for that dignity during life. Hubert turned out, and Segrave put in his room.

It seldom happens that a favourite falls easy. The hatred of the prince is proportionable to his past affection; the former of these two passions hardly ever failing to be as violent as the latter. Princes generally act on these occasions from a principal of pride, very often to themselves unperceivable. As their love cools, they endeavour to justify their inconsistency, and frequently upbraid the favourite for the very thing

<sup>1</sup> Or son, as Mat. Paris owns, p. 376.

The king orders Hubert to give in his accounts. Hubert endeavours to evade it. *ibid.*  
M. West.

which before was the cause of their affection. Of this we have a remarkable instance in the ruin of Hubert de Burgh. Never had a favourite a greater ascendant over his master. His counsels, which flattered all the king's passions, were regarded, whilst in favour, as so many oracles. But when the king had entertained a prejudice against him, he considered his former advices as so many treacheries. Indeed it would be difficult to vindicate all the actions of this favourite. But, very probable among the things laid to his charge, there were many false imputations. Be this as it will, a few days after his removal, the king sent for him, and required him to give an account of all the money that had passed through his hands<sup>r</sup>; which being very hard to do, Hubert endeavoured to be excused. He produced king John's charter, declaring he was so well satisfied of his faithfulness, that he discharged him from all accounts. The bishop of Winchester replied, the charter might be valid as to what passed in the late reign, but was of no force to exempt him from giving him an account of his administration during the present. He added, this was not the only thing he was charged with: that he was accused moreover of several crimes, and particularly of having given the king pernicious counsels, to the great prejudice of his and the kingdom's affairs. Hubert perceiving by these accusations that his ruin was resolved, desired time to give in his answer, which could not be refused him. For the bishop of Winchester, who stood in need of the barons to condemn him, durst not disoblige them, by denying Hubert a privilege common to him with all the peers of the realm. It may be they would have made it their own cause, if the court had persisted in denying his request.

Violence of the king against Hubert. *ibid.*  
An. Waverl.  
T. Wikes.

Whether Hubert was conscious of his guilt, or despaired of vindicating his innocence before judges, several of whom were his professed enemies, instead of appearing on the day appointed, he took sanctuary in the priory of Moreton, from whence he hoped none would dare to force him. Some time after, the parliament being met at Lambeth, an aid of the fortieth part of the moveables of the whole nation was granted to the king<sup>s</sup>. Which done, the lords petitioning that

<sup>r</sup> Of which we have these particulars in M. Paris: 1. The monies paid into the Exchequer. 2. His demesnes in England, Wales, Ireland, and Poictou. 3. Liberties in forests, warrens, earldoms, wardships, &c. 4. The fifteenths, sixteenths, and other aids, paid into the Exchequer. 5. Presents for desisting from his right in lands, or moveables. 6. Things lost by his

negligence. 7. Wastes, occasioned by war or otherwise. 8. The revenues of vacant bishoprics, &c. 9. Scutages, Carrucages, gifts, aids, issues of wardships, &c. 10. Fines for marriages of heirs, &c. p. 376. See above, p. 211, 243, 257, &c.

<sup>s</sup> For the payment of the debt he owed the Duke of Bretagne. Mat. Paris.

Hubert

## OF ENGLAND.

Hubert de-Burgh's trial might proceed, he was summoned to appear, but refused to obey. Upon which the king, who was of a violent temper, commanded the mayor of London to force him from his sanctuary, and bring him dead or alive. The citizens very joyfully embraced this opportunity of being revenged upon Hubert, for whom they had entertained a mortal hatred ever since his severity in the affair of Constantine. They immediately flocked together to the number of twenty thousand, with a resolution to execute the king's orders without mercy. Mean time, some of the chief citizens dreading the consequences of so rash an order, went and advised with the bishop of Winchester, who told them, let what would follow, the king must be obeyed. But the remonstrances of the earl of Chester to the king himself had a better effect: he represented to him, that such a tumultuous assembly might be very dangerous, and raise in the city a sedition which might not be easily appeased. Moreover he intimated, that so violent an action would be blamed by all the world, and especially by foreigners, who not being prejudiced like the English against the party accused, would think it very strange he should be thus treated, since other means were not wanting to punish him, if he were guilty. In fine, he put him in mind of the pope's resentment, who would never suffer the sacredness of the sanctuary to be violated with impunity. Henry being prevailed with by these reasons, sent a countermand to the mayor of London, who found it very difficult to disperse the mob.

Of all Hubert's friends during his prosperity, there was but one left that ventured to speak in his behalf; this was the archbishop of Dublin, who by his solicitations obtained of the king, that he would grant Hubert a longer time to prepare his answer. In the interim, Hubert coming out of his sanctuary to visit his wife at St. Edmundsbury, the king, who had notice of it, caused him to be pursued by some soldiers, who found him in a small chapel<sup>a</sup>, where he had taken refuge, with the cross in one hand and the host in the other, both which being violently wrung from him, they tied his feet under his horse's belly, and in that ignominious manner conducted him to the Tower of London. All churches, as well as what belonged to them, being in those days so many sanctuaries, not to be violated without punishment, the king's

Hubert is dragged by force out of a church. M. Paris. M. Westm.

<sup>a</sup> Two eminent citizens of London, Andrew Buckerel and John Travers, went also to the bishop of Winchester, at his house in Southwark, and remon-

strated to him the ill consequences of such proceedings. Mat. Paris.

<sup>b</sup> At Brentwood, in Essex.

M. Paris.  
p. 379.

He is sent  
back.

The Arch-  
bishop of  
Dublin in  
vain inter-  
cedes for  
him.  
M. Paris.

He is con-  
fined in the  
Tower.  
Ibid.

The king  
relents.  
Ibid.  
M. Westm.  
Brady's Ap-  
pendix.  
p. 152.

The bishop  
of Winches-  
ter tries to  
sur him up  
afresh.  
M. Paris.  
p. 381.

attempt alarmed the whole body of the clergy : the bishop of London was no sooner informed of the matter, but he went to the king, and declared he would excommunicate all those that directly or indirectly were concerned in the breach of the church's privileges. The king being terrified at these threats, ordered Hubert to be sent back to the chapel from whence he was forced, but commanded withal the sheriffs of Hertfordshire and Essex, upon pain of being hanged, to guard the church so strictly, that the prisoner might neither escape, nor receive victuals from any person. The archbishop of Dublin perceiving his friend could not remain long in this situation, interceded for him once more, and intreated the king, with tears in his eyes, to tell him what he designed to do with the prisoner. Henry replied, he intended to have him condemned for a traitor, unless he would own himself guilty, and abjure the kingdom for ever.

Hubert thinking this condition too hard, voluntarily yielded himself to the sheriffs, who carried him to the Tower fettered and chained, amidst the shouts of the people, who took a pleasure in insulting over his disgrace.

But whilst he was anxiously expecting the threatened sentence, his affairs began to have a new face, by the fickle temper of the king, who could not long continue in the same mind. Two things further contributed to this change; first, the death of the earl of Chester<sup>w</sup>, professed enemy of Hubert, though he disapproved of the illegal ways the king would have taken to destroy him : secondly, a large sum of money lodged by the prisoner in the hands of the Knights Templars and readily delivered by him to the king upon demand. Thus Hubert saw the king's anger cool by degrees, when he expected to feel the most terrible effects of his displeasure. This sudden change alarmed the bishop of Winchester, who dreading the revival of the king's affection for his old minister, made a fresh attempt to complete the destruction of his formidable rival. He took occasion from the money lodged with the Templars, to accuse him of fraud and rapine, alledging it was impossible to heap up such immense riches by lawful means. This charge was supported by all Hubert's adversaries, who seeing the king began to relent, came in a body and petitioned his death. But the king resolutely answered,

<sup>w</sup> He died October 28. at Wallingford castle, without issue, and was succeeded in the earldom of Chester by his nephew John, son to earl David, brother of the king of Scotland; in the earl-

dom of Lincoln by John de Lacy, another nephew of his; and to William d'Albiny, earl of Arundel, there fell, by his death, an estate of five hundred pounds a year. Mat. Paris.

he

he would never consent to the death of a person from whom himself and his father had received such signal services\*. He ceased therefore his prosecution, and leaving him in possession of his estate of inheritance, and of such lands as he had purchased with his own money, was contented with depriving him of the rest. As soon as it was known how the king stood affected, some of the lords†, who till then had not dared to speak for Hubert, solicited the king in his behalf, and so far prevailed, that he was sent to the castle of the Devezes, till it should please the king to dispose of him otherwise. Thus ended this affair, which had made so much noise, to the great grief of the bishop of Winchester, who expected Hubert would not have come off without the loss of his head.

Hubert is sent to the Devezes.

John Blund, professor of divinity at Oxford, 'being elected archbishop of Canterbury, immediately set out for Rome, with the king's licence, to obtain the pope's confirmation\*.

A fourth election of an archbishop, M. Paris, 1233.

It seemed that Hubert's disgrace should have obliged the new minister to keep within the bounds of moderation and behave gentler to the English; but, contrary to every one's expectation, it had quite another effect. Instead of taking a different course from that of his predecessor, the bishop of Winchester thought only of governing with an absolute power, and withal to screen himself, from the plots of those that should oppose his designs. He intimated to the king, "That among the barons there were few really devoted to his service, and that their sole aim was to make themselves independent;" adding, "It was absolutely necessary to think of means to repress their insolence: but it would be almost impossible to succeed, whilst they were in a manner masters of the kingdom, by having in their hands all the places of trust and profit; in a word, whilst they possessed what might most encrease their audaciousness: that their power therefore was to be undermined by degrees, by turning them out of their posts, offices and governments, which might be conferred upon foreigners, who should be invited into England, to the end the king might rely on

The bishop of Winchester forms the project of governing absolutely. Ibid.

\* Adding, he had rather be reckoned a weak and easy-natured prince, than a cruel and bloody tyrant. Id. p. 381.

† Richard earl of Cornwall, the king's brother, Richard earl marshal, and William earl of Ferrars, became surrogates for his good behaviour. Ibid.

\* Rapin by mistake calls him Richard. About this time was collected the fortieth part of all goods, lately grant-

ed by parliament. The form of the commission to the sheriffs, and the manner how it was to be levied and collected, is to be seen in Mat. Paris, p. 380. under the year 1232. to which the curious reader is referred. The Annals of Waverley say, that every body paid, who had goods above the value of eleven pence, p. 194.

He brings  
into Eng-  
land great  
numbers of  
Poitevins.  
ibid.  
M. West.

“ their assistance in case of necessity: that the strong places and  
“ posts which gave most credit and authority with the people,  
“ being in the hands of such as were by gratitude and in-  
“ terest devoted to the king, it would be in vain for the Eng-  
“ lish barons to attempt the re-establishment of their pretend-  
“ ed rights.” This advice, so conformable to the king’s  
inclinations, could not but be very agreeable, and there-  
fore was immediately put in practice. Quickly after were  
seen to arrive above two thousand knights, Gascons and  
Poitevins, whom the bishop of Winchester, their country-  
man, and Peter de Rivaulx his son, who passed for his ne-  
phew, had sent for. These strangers not only were promot-  
ed to the most considerable posts and governments, but more-  
over had the wardships of the young nobility committed to  
them by the king. By that means they procured one another  
very advantageous matches, to the great detriment of all the  
noble families. This proceeding very much exasperated the  
barons, who plainly saw the consequences. Besides, they  
could not bear to see themselves removed from places and  
posts, to which they had a right to pretend, whilst the king  
lavished his favours on foreigners. But the bishop of Win-  
chester prevented their murmurs from reaching the ears of the  
king; or, if he could not avoid it, had the address to hinder  
their making any impression on his mind.

The earl of  
Pembroke  
makes a re-  
monstrance  
to the king.  
M. Paris.  
P. 384.

Richard earl of Pembroke first ventured openly to com-  
plain of these proceedings. He boldly represented to the  
king, that in placing his whole confidence in strangers he so  
alienated the affection of his subjects, that in the end their  
discontent must be attended with fatal consequences. He  
plainly told him, in case he continued thus to prefer the fo-  
reigners before the English, the barons would be forced to  
seek means to clear the kingdom of these blood-suckers.

The bishop’s  
answer exas-  
perates the  
barons.  
M. Paris.

The prime minister, who was present, did not give the king  
time to reply: he told the earl, his insolence deserved correc-  
tion, in thus pretending to abridge the king of the liberty of  
employing whom he pleased for the defence of his crown: adding, if the foreigners now in the kingdom were not suf-  
ficient to reduce his rebellious subjects to their duty, a greater  
number should be sent for. This haughty and imprudent  
answer caused a general discontent among the barons. From  
thenceforward they began to withdraw from court, and form  
a confederacy to check the despotic power the king was as-  
suming, by the violent counsels of his minister.

Some time after the king summoning a parliament, the  
barons, pursuant to a resolution taken among themselves, re-  
fused



refused to meet. They were summoned a second time, but to no purpose. At last being informed that a fresh troop of foreigners were landed in England, to strengthen the court-party, they met in a body to consult together what was to be done. The result of their consultation was to send deputies to the king, to let him know that if he removed not from his person and councils the bishop of Winchester and the Poitevins, they were resolved to place on the throne a prince, who should better observe the laws of the realm. So formal a declaration furnishing the prime minister with a plausible pretence to exasperate the king against the barons, he omitted nothing to induce him to use the most violent measures to reduce them to obedience. Henry blindly giving himself up to the guidance of the bishop, began to practise this advice with compelling some of the lords to deliver their children as pledges of their allegiance <sup>a</sup>. After that, he prepared, very unadvisedly, to prosecute by arms such as refused to submit. When he thought himself in a condition to make himself feared, he called a parliament, with design to cause the most obstinate to be condemned. The barons obeyed the summons indeed, but came so well attended that they were in no danger of violence. The earl of Pembroke was on the road, in order to be present with the rest, imagining it was not in the king's power to have thing any passed to his prejudice. But upon notice <sup>b</sup> that the court designed to take a speedier and surer course, he turned back and retired into Wales. The precautions of the barons breaking the king's measures, he prorogued the parliament, lest what he had projected should fall on himself. His design of causing the parliament to proceed against the barons not succeeding, he resolved to act with open force. To that end he summoned all the vassals of the crown to meet him with their troops at Gloucester; but the earl of Pembroke and some others did not think proper to obey. Their refusal furnishing him with a plausible reason to attack them, he ordered their estates to be plundered, their parks to be destroyed, their houses to be pillaged, and their spoils to be distributed among the Poitevins. If the barons had held together, the king would never have ventured to proceed to such violence: but dissention arising among them,

They refuse to meet in parliament; *M. Paris, p. 386.* and threaten to elect another king.

Henry undertakes to reduce them by force, *M. Paris,*

The earl of Pembroke retires into Wales, *ibid.*

The king treats the barons roughly, *M. Paris,*

<sup>a</sup> He vented his anger against Gilbert Bassett by stripping him of the manor of Netheraven, in Wiltshire, conferred upon him by king John; and when Gilbert came to demand it again, he called him traitor, and told him, if he would not forthwith depart out of his

court, he would have him hanged. He also ordered Richard to be apprehended for marrying Gilbert's sister, or niece, without his leave. *Mat. Westm.*

<sup>b</sup> He received the information from his sister Isabella, wife of Richard earl of Cornwall, *ibid.*

The earl of  
Pembroke  
leagues with  
the prince  
of Wales.

The king  
besieges one  
of his castles  
in vain.  
He proposes  
an accom-  
modation;  
Id. p. 381.

and breaks  
it.

The Parlia-  
ment make  
remonstran-  
ces to him.  
Id. Paris.

The impru-  
dent answer  
of the bishop  
of Winches-  
ter.  
Id. p. 389.

some broke the confederacy<sup>c</sup>, and left the rest exposed to the king's resentment. The earl of Pembroke perceiving himself too weak too resist, after being deserted by the greatest part of his associates, applied to Lewellyn prince of Wales, who granted him his protection and assistance.

Mean time, Henry having received a fresh supply of Poitevins, marched as far as Hereford, with design to seize the earl of Pembroke's castles in that county: but his ardour quickly abated, by the resistance he met with from the first castle he besieged. As he was losing his time before the castle, he bethought himself of a device, which succeeded: he feigned to be willing to refer the decision of his quarrel with the barons to the parliament, which was to meet in October: nay, he gave his royal word that he would consider of their complaints; and as his past conduct had rendered his word doubtful, some of the bishops became sureties for the performance of his promises. Then he required the castle he was besieging to be surrendered to him, promising to restore it to the earl of Pembroke within fifteen days. These conditions being approved of, the castle was delivered to the king; but when the fifteen days were expired, he laughed at the earl's credulity, and refused to stand to his engagement. Such were the instructions taught him by the bishop of Winchester; I mean, not to value the breach of his faith, and to behave so as to oblige his subjects to require pledges for the performance of his word.

The parliament meeting on the 9th of October, as was agreed, the king was earnestly entreated by all the lords to replace his confidence in his subjects. It was remonstrated to him, that the administration of the public affairs belonged more naturally to the peers of the realm than to foreigners, and that he could not prefer strangers without wronging his barons: above all things, he was desired not to introduce the pernicious custom of treating as rebels and traitors those that were not legally condemned. The bishop of Winchester, who on such occasions never failed to answer for his master, replied so as plainly shewed what maxims he instilled into the young king. He told them, the peers of England were very arrogant to put themselves upon a level with the peers of France, when there was a wide difference between the one and the other: adding, it was a notorious encroachment upon the royal prerogative, to pretend to deprive the king of the

<sup>c</sup> Richard earl of Cornwall forsook from him with a sum of money, by the earls of Pembroke; and the earls of the bishop of Winchester, viz. and Chester and Lincoln were bought off thousand marks. Mat. Paris.

right of making use of what judges he pleased to punish the disobedient. Upon these words, which contained maxims so destructive to liberty, the bishops unanimously threatened the prelate with excommunication. But he despised their menaces, alledging he was not subject to their jurisdiction as having been consecrated by the pope. However, lest this reason should be deemed too light, he appealed beforehand to his holiness from the sentence of the bishops. Appeals to the court of Rome were then so sacred, that the bishops not daring to excommunicate him by name, were contented to dart their thunders in general, upon all those who alienated the king's affection from his natural subjects.

The bishops threaten to excommunicate him. Ibid.

He appeals to the pope.

Mean time, the earl of Pembroke finding all his instances for the restitution of his castle were fruitless, besieged and took it in a few days. Upon news thereof the king fell into a great fury with the earl, and commanded the bishops to excommunicate him; but he had the mortification to be denied: they told him, they did not see lawful cause to excommunicate the earl, who had only recovered his own right, and what the king promised to restore. Henry, not being able to prevail with the bishops, resolved to take up arms again and revenge this affront. For that purpose he summoned all the lords to meet him at Gloucester with horse and arms the day after All Saints. When his army was ready, he marched into Wales, but was no sooner there than he found himself in extreme want of provisions and forage, the earl of Pembroke having laid waste all the places through which the royal army was to pass. This disappointment obliged him to alter his course, he entered Monmouthshire, where he staid some time to give orders for the subsistence of his army. Mean while, the earl of Pembroke understanding that the king and most of the general officers were lodged in the castle of Grosmont, whilst the army was quartered without in tents, attacked the camp by night, and put the whole army to rout. This accident so confounded the king, who lost in the action five or six hundred horses<sup>d</sup>, with almost all his baggage, that though his army was superior to the earl's, he retired to Gloucester<sup>e</sup>, Pembroke, upon the earl's retreat, resolved to besiege the castle of Monmouth, commanded by Baldwin de Guisnes, a Flemish officer of great reputation. Baldwin, not questioning but the earl would approach with a few soldier to take a

The earl of Pembroke retakes his castle.

M. Paris. The bishops refuse to excommunicate him.

The king marches against him.

His army surprised, and routed, M. Paris, p. 389.

<sup>d</sup> This happened on November 12. The earl would not suffer any of the king's soldiers to be taken or hurt, by which means only two (and they by

their own fault) fell by the sword. Id. <sup>e</sup> But lest John of Monmouth and Ralph de Thoney, to stop the enemy's progress. Ibid.

The earl taken prisoner, and rescued again.  
*ib.* p. 390.

a view of the castle, laid an ambush for him, which surrounding him on a sudden, took him prisoner. This accident would doubtless have proved the ruin of the earl and his whole party, if luckily, as he was carried to the castle, Baldwin had not been desperately wounded by an arrow. His wound obliging his men to halt, in order to assist him, the earl's army had not only time to rescue their general, but likewise to kill or take prisoners all that came out of the town;

Hubert escapes, and flies to a church.  
*M. Paris.*  
*p. 388.*  
*M. West.*  
*An. Waverl.*  
*T. Wikes.*

Whilst these things passed in Wales, Hubert de Burgh was contriving means to free himself from a new danger which hung over his head. He had received notice that the bishop of Winchester intended to make away with him, and to compass his ends the more easily, had earnestly desired of the king the custody of the castle of the Devizes. Hubert's danger obliging him to endeavour to avoid it, he was so fortunate as to gain some of his guards, who gave him an opportunity to escape, and take refuge in a neighbouring church.

He is dragged thence;

When his escape was known, the governor ordered him to be pursued by some of the garrison, who finding him before the altar, dragged him thence with great violence and brought him back to the castle. If he had been taken any where but in a church few would have concerned themselves about it. But the breach of the privilege of sanctuary appeared to the clergy of so dangerous a consequence, that the bishop of Salisbury made it his own cause; for this outrage was committed in a church within his diocese. He forthwith repaired to the Devizes, and tried to persuade the governor to send back the prisoner to the place from whence he was taken. His solicitations proving ineffectual, he excommunicated the whole garrison, and immediately carried his complaints to the king. He was assisted by the bishop of London and some other prelates, who were so urgent with the king, that he ordered the prisoner to be sent to his sanctuary. But this favour was of little benefit to Hubert, since withal the king commanded the sheriff of the county to prevent any one from bringing him victuals. However, on the morrow he was rescued by a troop of armed men, who afforded him means to make his escape into Wales, where he joined the earl of Pembroke.

and sent back again.

He is rescued.  
*M. West.*

The pope annuls the fourth election of an

The election of John Blund to the see of Canterbury not meeting with approbation at Rome, the pope declared it void. But for fear the monks should mistake again, he

either, because he had received a his interest with the pope, that his thousand marks from the bishop of election might be approved of. *M. Winchester*; or, because the same bishop had writ to the emperor, to use *Paris.*

empowered

empowered them to chuse Edmund, canon of Salisbury, archbishop of M. Paris. p. 385.  
Thus by degrees the popes became masters of the elections of the archbishops of Canterbury by annulling them, till those M. West.  
they intended to favour were chosen.

After the king's retreat, the earl of Pembroke continued 1234.  
his progress and daily gained some advantage. In the begin- Progress of the earl of Pembroke. M. Paris. p. 394.  
ning of the year 1234, he defeated a small army commanded by John de Monmouth, who thought to surprize him, but was himself surprized. After this victory, he ravaged the lands of the king's counsellors <sup>a</sup>, lying in the marches of Wales, and burnt the town of Shrewsbury, whilst the king, who was still at Gloucester, durst not take the field. Instead of opposing the earl's progress, he thought himself unsafe at Gloucester, and therefore shut himself up in Winchester, leaving the counties near the Severn to the mercy of the enemy. Several bishops and others advised him to make peace with the earl. But this weak prince, suffering himself to be entirely governed by the bishop of Winchester, refused to hearken to any accommodation, unless the earl of Pembroke would come and throw himself at his feet <sup>b</sup>, and declare himself a traitor. It was difficult to bring the earl to submit to these hard terms: and it was no less so, to compel him, since the king had not the least hopes of obtaining any aids from the parliament, to continue a war so disagreeable to all. But the bishop of Winchester had an expedient, of The bishop of Winchester's plot against the earl of Pembroke. M. Paris.  
which he did not think fit to inform the king. As the council consisted only of his creatures, it was easy to engage them in a means used by him to execute his design. He caused <sup>c</sup> to be directed to the king's officers in Ireland an order, signed by twelve privy counsellors, to plunder the estates of the earl of Pembroke, and to take him dead or alive, if he should come into that country <sup>d</sup>. To this order was added a promise, in the king's name, of the earl's confiscated lands in Ireland, if they would faithfully execute what was enjoined them. The governors of Ireland, allured by such a bait, promised to use their utmost endeavours, to content the king. But they wished to be secured by a charter in form of what was pro-

<sup>a</sup> He, and his associates, made it a rule, not to plunder the lands of any, but the king's evil counsellors, by whose means they had been banished. Mat. Paris. Lewellyn prince of North-Wales joined him, with all the forces he could raise. Ibid.

<sup>b</sup> With a halter about his neck. Mat. Paris.

<sup>c</sup> This order, which is in Matthew Paris, is directed to Maurice Fitzgerald, the king's justiciary in Ireland, to Walter and Hugh de Lacy, Richard de Burgh, and Geoffrey de Paris, with others of the earl's liegemen or feudatories. Ibid.

## THE HISTORY

mised them. The bishop, being too far engaged to recede, caused a charter to be drawn and got it signed by the king, among other papers of little moment. Then, he caused the great seal to be affixed by the chancellor, who probably was in the plot <sup>k</sup>. As soon as the Irish governors received this charter, they began to execute the order. They levied an army on some pretence, and entering the lands of the earl of Pembroke committed great outrages in order to draw him into Ireland. This artifice had all the success the bishop of Winchester expected. Pembroke, exasperated at the injuries done him in Ireland, immediately repaired thither with design to take vengeance of those who thus wantonly attacked him. But instead of being revenged, he was basely betrayed by pretended friends, who engaged him in a battle where he lost his life, by a stab in the back with a dagger <sup>l</sup>.

M. West.

The earl is killed.

M. Paris. p. 400.

Disgrace of the bishop of Winchester. M. Paris. p. 396.

Whilst the bishop of Winchester was thus using the king's authority without his knowledge, to free himself from his enemies, the new archbishop of Canterbury was secretly labouring to undermine him. This prelate out of zeal for the good of the public, and for the king himself, never ceased representing, that it was his interest to remove from his person a minister so odious to all his subjects. He intimated to him, that the foreigners who alienated his people's affection, would infallibly prove one day the cause of his ruin. His instances were so urgent, that at length Henry's eyes were opened, and he seemed wholly disposed to reform his conduct. The first effect of this change was the disgrace of the prime minister, who had express orders to return to his diocese. After that, Peter de Rivaulx, the treasurer Segrave, the justiciary Robert de Passelew and all the rest of the favorite strangers, promoted by the bishop of Winchester to the principal posts in the state, were shamefully turned out. At the same time they were ordered to give an account of their management, and of all the money that had passed through their hands. The affairs of the court being thus settled, the king sent the archbishop of Canterbury, with the bishops of Chester and Rochester, into Wales, to negotiate a peace with Lewellyn, which they concluded to the advantage of the state.

The other foreigners, are discarded.

M. Paris. p. 397.

Peace with the Welsh.

<sup>k</sup> Mat. Paris says, they stole the seal from Ralph bishop of Chichester the chancellor; who was not concerned in this treacherous fraud.

<sup>l</sup> A parliament was held in February this year at Westminster; and it was during the session, that Edmund arch-

bishop of Canterbury, and several of his suffragans, made that representation to the king, which is related here. See Mat. Paris. p. 395. There was another parliament held at Westminster, April 9. Id.

The king's happy change restored tranquility to England, from whence it had been some time banished. In all likelihood the kingdom would have recovered its former splendor, if the prince who governed it had continued in the same dispositions. Mean time, the new ministers endeavoured to make the king sensible of the injury he had done himself, in placing his whole confidence in strangers, who had no affection for him or his kingdom. The archbishop of Canterbury, who was informed of the particulars of the plot against the earl of Pembroke, shewed him a copy of the order and charter sent by the bishop of Winchester into Ireland. Henry, amazed at so great a presumption, protested he had no hand in the matter. Nay, he seemed to grieve for the death of the earl of Pembroke, and to be extremely incensed against his ministers, who had so notoriously abused his confidence<sup>a</sup>.

The king informed of the bishop of Winchester's treachery to the late earl of Pembroke.  
M. Paris. P. 403, 404.  
M. West.

The day appointed for the old ministers to give in their answers being come, the parties accused, who doubtless were conscious they had nothing to say for themselves, chose to take sanctuary in churches, under pretence of being justly apprehensive of some violence from their enemies. The aim of the new ministers, being to convince the king of the unfaithfulness of the old, they ordered it so, that the king removed the pretence for their non-appearance by granting them a safe-conduct. Peter de Rivaulx, who appeared first, talked in so arrogant a manner, and so little suitable to his condition, that the king not being able to bear his insolence, ordered him to the Tower. He remained there however but three days, being, by the archbishop's advice, sent back to his sanctuary. Segrave required a longer time to give in his answer, which was granted him upon the archbishop's intercession. As for the bishop of Winchester, he continued in his cathedral, not daring to trust to his safe-conduct; and it was not thought proper to force him from thence<sup>a</sup>.

The old ministers prosecuted.  
They take sanctuary.  
M. Paris.  
M. West.

They have a safe conduct.  
M. Paris.

Whilst these domestic affairs were transacting, the truce with France being expired, Lewis vigorously attacked the duke of Bretagne. According to the rules of good policy this ally should have been powerfully assisted. But Henry was contented with sending sixty knight, and two thousand foot.

1235.  
The king invades Bretagne.  
M. Paris.

<sup>a</sup> The king went as far as Gloucester to meet the archbishop of Canterbury. and the rest that had been to make peace with Lewellyn; and on May 29, restored the exiled lords to his favour, namely, Hubert de Burgh, (to whose wife he had restored already eight manors) Gilbert Basset, Richard Sward,

Gilbert Mareſcall, the earl of Pembroke's brother, whom he appointed marshal; and all these he nominated for his counsellors. Mat. Paris.

<sup>a</sup> Hugh de Pareſhulle was made justiciary, in Segrave's room. Mat. Paris. Ibid.

Henry neglects to assist the duke.

An aid, so disproportioned to his wants, not being sufficient to protect him, he saw himself under a necessity of demanding a three months truce. Which however he could not obtain, but on condition, that if within that time the king of England did not come in person to his relief, he should submit to whatever should be required of him. During this interval, he used his utmost endeavours to prevail with Henry to come into Bretagne, but not succeeding, he did full homage to Lewis for his territories, which made his subjects give him the nick-name of Mauclerc, that is, bad scholar °. Thus, by his negligence, Henry lost an ally, who might have been of great service to him, in his war with France.

1236.

The old ministers make their peace.  
M. Paris.  
p. 409.  
Henry's sister married to the emperor.  
M. Paris.  
M. West.

In the beginning of the next year, Segrave and Passlew, the king's old ministers, found means to make their peace by a present of a thousand marks each, for which they were discharged from further prosecution.

Shortly after was solemnized the marriage of Isabella, the king's sister, with the emperor Frederic II<sup>d</sup>. Though it was not customary to grant the king an aid for the marriage of a younger sister, the parliament was so well pleased with his late proceedings, that they granted him two marks on every plough-land.

The bishop of Winchester sent for to Rome.  
M. Paris.  
p. 410.

The bishop of Winchester, who, since his disgrace kept within his diocese, departed from thence by the pope's order, who sent for him to be near his person, on pretence he wanted his advice in a quarrel between him and the citizens of Rome. It was not at all doubted, but the pope used this expedient to free him from the king's prosecutions, and probably, the prelate paid dearly for this favour. He had to deal with a pope who neglected no opportunity to heap up money. This is evident from a proceeding of his this same year. The ten years truce, made by Frederic with the Saracens, being now almost expired, he caused a fresh crusade to be published, as if he intended to make a vigorous push to restore the affairs of Palestine. Upon this news, the zeal of the christians being roused, great numbers took the cross. But whilst they were

A crusade published.  
M. Paris.

° It is thus he is stiled by the historians of Bretagne. For though he had studied at the university of Paris, yet it seems he had made no progress in the study of politicks.

p The king called a parliament to deliberate about the proposed match; see a full account of the whole matter in Mat. Paris, p. 414 — 416. — The emperor sent by the bishop of Exeter, who attended the princess into Geg-

many, several presents to king Henry, and among the rest three leopards, al-luding to "The royal shield, on which "are depicted three leopards passant:" from which it may be observed, that in Henry the III<sup>d</sup>'s time, the bearing of the kings of England was not three lions, as now, but three leopards. See Mat. Paris, p. 416. and Selden's notes on Poly-Olbion. Song XI,

preparing



preparing to depart, another bull appeared, to dispense with their going for a certain sum of money.

England being then in profound tranquillity, Henry took this opportunity to espouse <sup>1</sup> Eleonor, second daughter of Raymond earl of Provence. The nuptials were celebrated with great magnificence and rejoicings, which seemed to pre-  
 sage to the king more happiness than this marriage was attended with. The solemnity of the wedding and coronation of <sup>2</sup> the new queen being over, the king called a parliament at Merton, where divers statutes were enacted, which long remained in force, but are now for the most part repealed <sup>3</sup>.

The king marries Eleonor of Provence. M. Paris. p. 419. M. West. Hemingford. Ann. Burt.

The war renewed by the king of France, ended with his expedition into Bretagne, without any treaty of peace between the two crowns. Henry, who was not of a martial temper, had done nothing towards continuing it, and the queen-regent of France was very glad not to draw the English into France, during the minority of the king her son.

The French war ends without a truce.

But, though England was not troubled with foreign wars, the kingdom was however disturbed at home by the discontents of the nobility, upon the promotion of a new favourite. This was William of Provence, the queen's uncle <sup>4</sup>, elected bishop of Valence, but not yet confirmed by the pope. This prelate lately arrived in England, had so gained the king's affection, that nothing was done but by his advice, and the administration of the public affairs was entirely left to him. So great favour was very displeasing to the English barons, who were reduced to the same condition, from whence they thought to have freed themselves by the expulsion of the Poitevins. At a parliament, assembled this year in April, they so boldly complained of these proceedings to the king, that he thought fit to retire to the Tower, where he would have had the barons to follow him. But finding none came to him, he returned into the city, and endeavoured to satisfy them upon some of their grievances, in order to induce them to overlook what they deemed the principal. He removed

State of the English court. M. Paris. p. 429.

The parliament complains to the king, who gives them some satisfaction. M. Paris.

<sup>1</sup> By the advice of his great men. "restraining the king if he should act amiss." Mat. Paris. p. 420.

<sup>2</sup> Matthew Paris has given us a very particular description of the coronation, and what each person performed in their respective functions, among which is this remarkable passage, that the earl of Chester, (as lord high constable) carried the sword of St. Edward, called Curteine, before the king, in token "That he is earl of the palace, and hath by right a power of

<sup>3</sup> Mat. Paris says, the same day after the coronation, the king went from London to Merton, a monastery in Surrey, where he met with his great men and enacted the provisions of Merton, which are the most ancient body of laws after Magna Charta, and divided into eleven articles or chapters, p. 422.

<sup>4</sup> Rapin by mistake says brother. Mat. Paris.

"the crown to its former lustre." After laying these foundations, the orator continued, "That the king desired his parliament to consider, that the mismanagement of his treasury, and the debts he had contracted, were not the least of the misdemeanours his ministry might be charged with : that he hoped they would begin with applying a remedy to this, upon his assurance, that he would consent to any expedients proposed for the redress of the other abuses : that therefore he required an aid answerable to his present occasions, and to shew he was in earnest, he consented that commissioners should be appointed to take care that the money should be disposed of for the service of the kingdom." If Henry had been less known, this harangue might have had a sudden effect on the parliament. But as they were too sensible to what a height he could carry his dissimulation, all these submissive expressions were not able to move them. They answered, "They had often granted aids to the king, without ever receiving any mark of his affection ; that since his accession to the crown, his dominions were considerably lessened, though he had frequently exacted from his subjects very large sums, which were only lavished away upon foreigners." To this vigorous answer, it was replied from the king, "That his own and his sister's marriage had entirely exhausted his treasure ; but if they would grant him a thirtieth part of their moveables, he promised, upon his honour, never to injure or oppress any baron of the realm." The lords were not prevailed with by this promise, which seemed to them of little moment, since they could not rely upon the king's word. And therefore they replied, they had already granted the king an aid for the empress's marriage, but he had diverted it to other uses ; and since he had married without asking their advice, he might defray the expences of his wedding as he pleased. This answer convincing him, that he wanted a stronger engine to wrest from them the aid he demanded, he attacked them in a more sensible part. He promised to re-establish his father's charters, and to satisfy them that he really intended to cause them to be observed, he ordered the execration formerly denounced by cardinal Langton upon the transgressors of these charters, to be published in all the churches. In short, to gain them entirely, he added to his council three lords whom he knew to be very acceptable to the nobility. So many advances from

The barons  
reply,

The king  
promises to  
cause the  
two char-  
ters to be  
observed.  
M. Paris.  
p. 436.

y The earl of Warren, William Ferras, and John Geoffrey, who swore they would never be corrupted by gifts to de-

viate from truth, but would always give the king good and wholesome advice.  
Mat. Paris,

a sovereign

a sovereign, and especially the revival of the charters, had at length the desired effect. The parliament suffering themselves to be deceived by these pretended demonstrations, granted him the aid required<sup>2</sup>. However they clogged it with two not very grateful conditions. First, that, for the future, he should reject the counsels of the foreigners, and adhere to the advices of his subjects. Secondly, that four knights should be chosen in every county to collect and secure the money in some monastery, that it might be restored in case the king should break his word. Notwithstanding this precaution, the money was no sooner raised, but the king seized it and squandered it away in useless expences, even in presents to his favourite foreigners, who remained in his council as before.

The parliament grants a subsidy upon certain terms;  
Ibid.  
M. West.  
T. Wikes,

which the king observes not.

Henry's conduct occasioned such loud murmurs, that prince Richard his brother thought himself obliged to represent to him very strongly, to what danger it would infallibly expose him. But his remonstrances were in vain, Henry preferring the counsels of the foreigners, which were more agreeable to his inclinations. Among those that had the greatest ascendant over the king, history particularly mentions Simon de Montfort, son of the famous earl of Montfort, general of the crusade against the Albigenes. This young man, who for some disgust had left the court of France to make his fortune in England, conformed himself so to the king's humour, that few were in greater favour. I shall have frequent occasion to speak of him, in the course of this reign, under the title of earl of Leicester.

Richard his brother expostulates with him.  
M. Paris.  
P. 445.  
Simon de Montfort begins to be in favour.

Though Henry little thought of extending his dominion over the neighbouring countries, a happy juncture procured him, before the end of this year, an advantage which the most illustrious of his predecessors had sought in vain. Lewellyn, prince of Wales, grown old and infirm, and finding himself persecuted by his son Griffyn, could think of no better means to secure himself from his rebellious practices, than by putting himself under the king of England's protection, to whom he did homage for his dominion. This proceeding was the more extraordinary, as he himself, as well as his ancestors, had always exerted their utmost to prevent the acknowledging of this sovereignty. If force of arms had at any time compelled

The prince of Wales does homage to Henry.  
M. Paris.  
P. 437.  
M. West.

<sup>2</sup> What persons they were that granted this aid, appears from the record extant in Dr. Brady, viz. the archbishops, bishops, abbots, priors, earls, barons, knights and freeholders, for themselves and their vassals. And it was to be collected from corn, ploughs, sheep, cows, hogs, cart-herds, studs of mares, &c. Brady's Appendix. No. 159.

**The barons complain to the king.**  
**M. Paris.** This marriage was not the only thing Richard thought he had reason to complain of. The great credit of the foreigners, who were always near the king, created in him no less uneasiness than in the rest of the barons. They all unanimously complained, that the king had violated his promises; and that all the money exacted from his people on divers pretences, was employed only in enriching the queen's relations.

**They enter into league with Richard, and demand redress of their grievances.**  
**M. Paris.**  
**P. 467.** As prince Richard seemed to be very much concerned for the interest of the public, they believed that, under such a leader, it would not be impossible to obtain of the king the satisfaction they required, especially with regard to the foreigners. In this belief, they entered into a confederacy\*, and having the prince at their head, sent the king word, that they prayed him to remember his promises. This confederacy, the consequences whereof were dreaded by Henry, caused him to put on a seeming moderation, as he usually did, when he found himself pressed. Instead of shewing any resentment, as they expected, he appointed a day to give them a favourable answer. But as they had been deceived more than once, they suffered not themselves to be surprised by this outward mildness. Persuaded as they were, that the king sought only to amuse them, they came to London on the day appointed, guarded with horse and arms, and ready to compel the king to a compliance.

**M. Paris.**  
**P. 468.**

**The king is forced to comply.** Henry took care not to resist, at a time when he saw no power able to support him. He assured them he really intended to redress all grievances; and to convince them of his sincerity, told them, he was willing to submit to the arbitration of a certain number of lords, the one half to be named by himself.

**Regulations for the government of the state proposed by the king.** This proposal being approved, commissioners were chosen on both sides, who drew up certain articles, which the king was to observe for the future in the government of the kingdom. These regulations were signed by the king and the barons, and confirmed by the legate, who, in all public affairs, always endeavoured to interpose his master's authority.

**The legate insulted at Oxford.**  
**M. Paris.**  
**M. West.**  
**Hemingf.**  
**T. Wikes.**

The legate met not at Oxford, where he went upon some business, with that respect that was paid him at court. Though the university received him with the deference due to his character, the insolence of his domestics was the occasion that certain scholars lost the respect they owed him. Some young students offering to enter into his lodgings, were so uncivilly repulsed by the porter, that they were very much out of humour. Whilst they were yet in the house, some of them

\* Which consisted of Gilbert earl of the kingdom. Of the nobility, Humfrid, all the earls and barons of England, and the generality of the people faithful to the king. *Mat. Paris.*

going

going into the kitchen, found there a poor Irish scholar begging for relief of the cook, who instead of an alms, threw a ladle-full of boiling water in his face. This barbarous action so provoked a Welsh student, who was witness of it, that having a bow in his hand, he shot the cook dead on the spot with an arrow. The legate hearing of the tumult, retired in a fright into the tower of the church, where he remained till night, dreading that the insolence of the scholars would even extend to his person. As soon as he thought he might retire with safety, he hastened to the king, and complained of this outrage, laying it to the charge of the whole university, which he had now put under an interdict. The king appeared extremely enraged at this insult upon the legate; and to give him satisfaction, immediately sent the earl of Warren to Oxford with orders to seize the offenders<sup>f</sup>. This business, which at first made a great noise, was at length hushed by the mediation of the bishops, who prevailed with the university to make all the submissions the legate required<sup>g</sup>.

Had this accident happened a little later, England would have paid dearer for it. Shortly after, Henry sending the emperor a body of troops, under the command of Henry de Turbeville, the pope against whom they were employed, was so incensed, that for a good while the English ecclesiastics were denied admittance at the court of Rome. This quarrel made the emperor hope, he should gain the king his brother-in-law to his side. Accordingly he dispatched ambassadors to him, who did all that lay in their power to persuade him to join with the emperor against the pope; but it was not possible for them to succeed. The king and the pope stood too much in need of each other to remain long at variance. Though the pope looked upon himself as lord paramount of England, he was not ignorant how averse the barons were to his pretensions, which the king's authority was alone capable of supporting. Besides, it was only through the countenance and connivance of the king, that he could rifle the English clergy with impunity. On the other hand, Henry saw none but the pope could support him against the barons. Moreover, in his design of filling the principal church-preferments with his creatures, he was very sensible he could not proceed without the pope's authority. It was no wonder therefore, the king and the pope held

<sup>f</sup> Thirty-one were imprisoned in Wallingford castle. By reason of this, the studies ceased there all the summer. Mat. West.

<sup>g</sup> The legate obliged all the scholars to meet at St. Paul's church (above a

mile from his lodgings) and go on foot to the bishop of Carlisle's house, and there putting off their caps, gowns and shoes, to go to the legate's house, and humbly crave pardon and absolution. Mat. Paris.

together,

together, since it so greatly concerned them mutually to assist one another.

Death of the  
bishop of  
Winchester.  
Henry tries  
to get the  
queen's bro-  
ther elected,  
but the  
monks  
chuse ano-  
ther.

M. Paris.  
p. 472. 473.  
M. West.  
T. Wikes.  
An. Waverl.

The death of the bishop of Winchester <sup>b</sup>, during these tran-  
sactions, gave the king an opportunity to make the first advan-  
ces towards a reconciliation with the pope. Henry ardently  
desiring to procure this rich see for the bishop of Valence his  
uncle, strongly recommended him to the monks the electors.  
But notwithstanding his solicitations, they made choice of the  
bishop of Chichester, high chancellor of England. Though  
the king was disappointed as to the monks, he despaired not  
to succeed another way. He knew the Pope would be glad  
to see him make advances towards a reconciliation: the in-  
terest of the court of Room required it, and seldom does that  
court neglect what may turn to its advantage. In this belief  
Henry sent ambassadors thither, who, after making some sub-  
missions in their master's name <sup>l</sup>, prevailed to have the elec-  
tion of the bishop of Chichester annulled by the apostolical  
authority <sup>k</sup>.

The bishop  
of Winches-  
ter chief  
cause of the  
troubles in  
this reign.

The deceased bishop of Winchester was justly deemed one  
of the chief authors of the troubles in this reign. It was he  
that advised the king to annul his father's two charters, and  
send for foreigners into the kingdom to commit to them  
the administration of the public affairs. These two articles  
were a perpetual occasion of discontent among the nobles, and  
at length were attended with very fatal consequences. The  
death of this pernicious counsellor was preceded by that of  
Joanna queen of Scotland, sister to Henry <sup>l</sup>.

Death of the  
queen of  
Scotland.  
M. Paris.  
Plot against  
the king.  
Id. p. 474.  
M. West.

The manner in which the kingdom was governed was dis-  
pleasing to all; so it was not strange there should be people  
who endeavoured to make away with the king. This year  
a villain <sup>m</sup>, pretending to be mad, found means to get into  
his chamber by night, with design to kill him, but being dis-  
appointed by the king's passing that night in the queen's  
apartment, he was taken and punished according to his de-

<sup>b</sup> He died at Farnham, June 9. and was buried in Winchester cathedral. He founded the monastery of Hales in Gloucestershire, and Tickford in Buckinghamshire, for Premonstratensians; Selburne in Hampshire, for Augustine monks; and an hospital at Portsmouth. Mat. Paris.

<sup>l</sup> And distributed money about plentifully. Mat. Paris.

<sup>k</sup> He also took the great seal from him, which was put in commission, and delivered to Geoffrey, a taylor,

and John de Lexington; but the reve-  
nues of the chancery were still left to  
the bishop. Id. p. 474.

<sup>l</sup> She was married to Alexander II. king of Scots, at York, in the presence of her brother, June 25, 1221, and coming to visit king Henry, died March 4, 1238, and was buried at Tarente, a nunnery in Dorsetshire, founded by Richard bishop of Durham. Sandf. General. p. 87.

<sup>m</sup> A learned knight, says Mat. Paris. It was on Sept. 9. at Woodstock.

fert. Before he died, he declared that William de Maris<sup>a</sup> was the author of the conspiracy, in which several others were engaged: however, either out of carelessness or for some other reason, there was no inquiry made.

I shall begin the relation of the occurrences of the year 1239, with observing some effects of Henry's capriciousness and inconstancy: the knowledge of the character and genius of this prince is absolutely necessary for the better understanding the causes of what passed in this reign. As he neither loved nor hated but according to the suggestions of those who had the ascendant over him, it was no wonder he frequently altered his inclinations and maxims. He sometimes loaded with favours and caresses persons, who within a few days found themselves in disgrace; and very often he restored to his service such as had been shamefully dismissed. I have already taken notice, that after persecuting the earl of Pembroke, he restored to Gilbert his brother the office of earl marshal<sup>b</sup>. Gilbert, thinking himself in the king's good graces, was very much surprized that one day, when he came to wait upon him, he was, contrary to custom, denied entrance. He complained to the king himself by one of his friends, who prayed him to tell the reason why such an affront was offered to a lord of so great distinction. Henry replied, it was because Richard the earl's brother was a traitor, and continued in his treason till his death; and therefore he repented of giving him the office of marshal, which however he could recal whenever he pleased. This answer obliged the earl to withdraw from court and retire into the north of England, to secure himself from the plots of his enemies, who had prepossessed the king against him.

1239  
Instances of  
the king's  
inconstancy.

Gilbert earl  
of Pem-  
broke dis-  
graced  
without  
cause.  
M. Paris.  
p. 483.

Behold another instance of this prince's inconstancy! So far was he from resenting Simon de Montfort's affront to the royal family, that he continued him in favour as before, and at last made him earl of Leicester<sup>c</sup>: and yet, a few days after giving him this fresh mark of his esteem, he publicly charged him with debauching his sister, and bribing the pope to confirm his marriage. This accusation could never be more unseasonable, since the time to prosecute him for this action was passed; and besides, he had caused the nuptials to be ce-

The king  
would pro-  
secute Simon  
de Montfort  
for his mar-  
riage.  
M. Westm.

<sup>a</sup> Who was banished in the Isle of Lundy, between Wales and Cornwall. Ibid.

<sup>b</sup> Gilbert was restored to his brother's office and inheritance by the intercession of the archbishop, as appears by the king's letter to Lewellyn still ex-

tant. See Dr. Brady's Append. No. 155.

<sup>c</sup> His mother was Amicia, daughter and coheir of Robert Blanchmaines earl of Leicester. Sandf. Geneal. p. 87. He was created earl of Leicester, February 2, 1239. Mat. Paris. Ann. Waverl.

He retires into France. He celebrates in his presence and in his own chapel. The earl, dreading the effects of his repentment, departed that very day with his lady for France, where he remained till the king's displeasure was over.

Henry publishes the bull of excommunication against the emperor. A.D. Publ. tom. i. p. 383. M. Paris. p. 490. I shall relate but one instance more of the capricious conduct of this monarch, of which there are visible proofs in almost all the actions of his life. He was not afraid the year before to break with the pope, by sending succours to the emperor: and yet a few months after, Frederic being solemnly excommunicated, Henry ordered the bull of excommunication to be published in all the churches of his kingdom. This proceeding was thought the more strange because, as brother-in-law to the emperor, he might have plausibly excused himself, or at least been so tardy as to shew it was done with regret.

Birth of prince Edward. M. Paris. M. Westminster. This year the queen was delivered of a prince called Edward, who in process of time succeeding his father, proved one of the most illustrious monarchs that ever swayed the English sceptre.

The legate's exactions. M. Paris. p. 484, etc. The exactions daily imposed by Otho the legate upon the churches, compelled the bishops at length to carry the complaints to the pope, who had twice by his letters recalled him, but the king had still opposed it. At last the prelates, tired at the perpetual demands of the cardinal, who daily invented new pretences to pillage the clergy, resolved to meet and consider of some remedy for this evil: they had scarce begun to treat of their affairs, when the legate came into the assembly, and demanded an aid for the pressing occasions of the holy see. This fresh demand putting them beyond all patience, they plainly told him, they were determined to endure his oppressions no longer; and, to prevent any farther solicitation, broke up immediately. A denial so peremptory, which should have convinced him how much the clergy were disgusted, had no other effect but to cause him to turn to the religious houses, who were forced to supply what the bishops refused.

The legate makes a fresh attempt upon Scotland. Ibid. This legate, like the rest before him, was insatiable. After having with impunity extorted large sums from England, he had a mind to do the same in Scotland, though he had already been refused entrance. But he was not a man to be discouraged at one denial. For this purpose he departed, attended by some English barons; without troubling himself to obtain the king of Scotland's consent. Upon his arrival on the borders, he was met by the king, not to do him honour, but to hinder him from proceeding. This opposition, which

Is denied entrance by the king,



## OF ENGLAND.

which however he had reason to expect, offended him so, that in his passion he threatened Alexander, who answered him in a louder tone, and let him see he did not value his threats. They would have come to a quarrel if the English lords had not interposed to make up the difference. They prevailed at length with the king of Scotland, though not without great difficulty, to give the legate leave for this once to enter his kingdom. But Alexander would not consent to it, but on condition the legate should acknowledge, under his hand and seal, that it was out of a particular condescension for his person, and that this example should not be brought into precedent. All obstacles being removed, the legate came to Edinburgh, where he exacted some money from the Scotch clergy, which was the sole end of his journey.

If the clergy of England had to deal with a greedy cardinal, the rest of the king's subjects were in no better case. Henry, who could not without great difficulties obtain subsidies of the parliament, neglected no opportunity of extorting money from private persons by all sorts of means. Hubert de Burgh, whom he had left unmolested some years, was prosecuted afresh for the same crimes he was before charged with, and which were thought to be forgotten. This cause was solemnly tried before an assembly of the barons, where, it is said, he vindicated his innocence by incontestable proofs. However, as he had reason to dread a sentence which the king himself was soliciting against him, he thought it more advisable to compound matters with him than wait the decision of the judges. Accordingly he resigned to the king four of his best estates, for which Henry desisted.

I find myself indispensably obliged frequently to return to the same subject, I mean the exactions of the king and court of Rome, because they are the most considerable occurrences of this reign, at least to the time we are now speaking of. But though these things seem of little importance, they serve however to discover the state of the kingdom, incessantly pillaged, one while by the king, another while by the pope. These extortions were carried so far, that one must be surprised that the English should bear them with such patience, under a king so weak as Henry, and destitute of all assistance except from the court of Rome. But this assistance was what to them seemed most formidable, the calamities of the late reign making them dread involving the kingdom in the like confusion. It seemed however, that the bishops should have resolved to take some measures to screen themselves from these oppressions, in a synod held at London for that purpose.

*Finds means to go there*

*Henry gives secutes afresh the earl of Kent; M. Paris, p. 515, M. Westm.*

*who could pound the matter with the king.*

*1240, Great exactions of the king and pope. M. Paris, p. 513.*

Complaints  
of the bi-  
shops against  
the king.

Id. p. 515,  
524.

Id. p. 498,  
515.

Id. p. 514.

The exces-  
sive de-  
mands of  
the pope  
from the  
clergy.  
M. Paris.

The arch-  
bishop re-  
tires into  
France,  
where he  
dies.  
Id. p. 532.  
M. Westm.

They openly complained that the king kept for his own use all the vacant benefices, and obstructed all elections till such were chosen as he desired. They even proceeded to excommunicate the authors of these pernicious counsels. But Henry little regarded their complaints, as long as he was sure of the pope's protection, for whom, in return, he shewed so great deference as passes all imagination. When the emperor sent ambassadors to complain of his causing the sentence of excommunication to be published against him, he most shamefully answered, that being vassal to the pope, he could not dispense with obeying him. Mean time the legate continued his exactions. After draining the churches and monasteries of immense sums, under colour of procurations and a thousand other pretences, he discovered by a new sort of oppression how little measures the court of Rome then kept with the English. He ordered to be published throughout the kingdom, that he had power, not only to absolve from their vow all that had taken the cross, but likewise to oblige them to compound for their absolution by money, under pain of excommunication.

But this was a trifle in comparison of what the legate demanded shortly after of the clergy. On pretence of securing the peace of the church against the pretended assaults of the emperor, the pope required of all the English ecclesiastics the fifth part of their goods; and the king, instead of opposing, promoted this exaction to the utmost of his power. The bishops at first refused not only to comply with the legate's demands, but even to contribute any thing towards the pretended wants of the holy see. But the archbishop of Canterbury, who was willing to live in quiet, and afraid of the imperious temper of the pope, consenting to give in lieu of the fifth part of his goods a fifth part of his income, the rest followed his example. However, the legate refused a good while to accept of an offer so disproportionate to his demands, as if the business had been to give the clergy his master's own goods. This was the last money the archbishop of Canterbury gave the pope. This prelate, who led a truly Christian life, perceiving it impossible to redress the abuses which were daily introduced, as well in the church as state, retired into France, to the monastery of Pontignac, where he died this year. He was canonized by the council of Lyons, some years after his death.

Upon the archbishop's retreat, the court of Rome had no farther regard for the clergy of England. Hardly was this imposition levied, when Peter Rossi, the pope's nuncio, arrived

lived with orders to all the bishops and patrons of livings to prefer to the vacant benefices three hundred Italians, whose names the pope had sent, with an express prohibition to confer any benefice till the foreigners were all provided for. But this was not the sole end of his coming : his principal business was to draw money from the monasteries, under pretence that the pope stood in need of an extraordinary supply to defend the church against her persecutors. Hitherto the pope had acted with authority, but on this occasion he judged it more advantageous to use artifice. To succeed in this design, the nuncio went to all the religious houses, and tried by promises and threats to engage every abbot in particular to assist the pope in his pressing necessities. He intimated to them, that such an abbot had promised such a sum, and therefore it would be a shame, and perhaps of ill consequence, not to follow so good an example. After procuring promissory notes under some of their hands, he used these notes to induce the rest to the same compliance, enjoining secretly to them all on pain of excommunication. But the abbots of St. Edmundsbury and Battle thought these proceedings so strange and arbitrary, that they complained of them to the king, even before the legate's face. Henry, far from giving ear to their just complaint, received them with frowns, and even offered the legate one of his castles to imprison them. This stratagem being discovered, the nuncio durst not pursue what he had begun. But the legate convened the clergy once more, in order to obtain a fresh subsidy, on pretence of the war with the emperor. To this new demand the clergy made answer, that since the emperor was not excommunicated by the church, but by the pope alone, they would not concern themselves in the quarrel : that besides, they were too poor to answer all the pope's exactions ; and supposing they were able, they would no longer endure that the church of England should be thus tributary to Rome. During the legate's long stay in England, he had sufficiently discovered the temper of the English, to know it was not prudent to exasperate them too much in their present disposition with regard to the pope. However, not to omit any thing that might help to accomplish his master's orders, he bethought himself of another expedient : this was, to divide the clergy, in which the king served him effectually, by promising some pensions and preferments, and frightening others by threats. This way succeeded so well, that at length each complied in particular, to what in a body they had refused, the most unwilling being forced to follow the majority.

The pope dominates three hundred Italians to the vacant benefices.

M. Paris. p. 532.

He sends a nuncio, who tries to extort money from the abbots.

M. Paris. M. Westcott.

The king backs the nuncio.

M. Paris. p. 534.

The legate demands a fresh subsidy, which the clergy deny.

Ibid.

An. Burton.

He finds threats to divide them. Id. p. 536.

The king sends justices into the counties to extort money.

Id. p. 533.

Whilst the clergy were thus exposed to the avarice of the court of Rome, the king sent justices itinerant, through all the counties<sup>9</sup>, under pretence of redressing grievances and easing the people. But it was soon perceived that this was only a means contrived on purpose to oppress several private persons by fines and confiscations, which brought in very considerable sums to his treasury. This oppression caused loud murmurs amongst the English, who saw themselves exposed at once to the tyranny of the ecclesiastical and civil powers<sup>1</sup>.

The king recalls the earls of Leicester and Pembroke.

M. Paris.

P. 527.

M. Westm.

The king's natural sickleness not permitting him long to love or hate the same persons, he recalled this year the earl of Leicester, who departed shortly after for the Holy Land, where he made no long stay. Gilbert earl of Pembroke was likewise received into favour, through the powerful intercession of prince Richard. This prince, having the year before taken the cross, set out for Jerusalem in company with the earl of Salisbury and several other lords.

The earl of Flanders does homage to the king for his pension.

M. Paris.

p. 515; 529.

M. Westm.

Towards the end of this year, the earl of Flanders came to London, and did the king homage for a yearly pension of five hundred marks. There are some who question whether it was customary in those days to grant pensions in fee to be held by military service and homage. But this evidently appears in several agreements between the kings of England and divers foreign princes, the tenor of which is to be seen in the Collection of the Public Acts<sup>1</sup>.

1241.

The legate is recalled.

M. Paris.

P. 539.

M. Westm.

T. Wikes.

In the beginning of the year 1241, England at length was delivered from Otho the legate, who was recalled by an express order. Hitherto he had found means to be continued through the king's intercession: but now he did not think fit to desire him to speak in his behalf. He knew the pope was seized by a distemper, of which probably he would never recover; and therefore did not care to be in England

<sup>9</sup> William of York, provest of Beverley, into the southern, and Robert de Lexington into the northern parts of England.

<sup>1</sup> This year, about Easter, king Henry removed Simon the Norman and Geoffrey the Templar, who were joint-commissioners of the great seal, because they refused to affix it to a grant made by the king to Thomas earl of Flanders, of a toll of four pence upon every bag of wool brought from England into his dominions. Id. p. 519. The seal was given to Richard abbot of Evesham. Ibid.

<sup>1</sup> See Act. Publ. tom. i. p. 1, 4, 23, 27, 168, etc. The first volume begins with an agreement, dated May 17, 1101, between Henry I. and Robert earl of Flanders, whereby the king binds himself to pay the earl four hundred marks per ann. in fee, on condition of his sending the king five hundred horse, when he should want them. Rymer observes, that this act is a more antient proof than any the French can produce, that the earls of Flanders were vassals to their kings. This year, in October, was born Margaret, king Henry's daughter.

when

when the news of his death should arrive. He had too much reason to fear, that during the vacancy of the holy see, the money he had amassed might be stopped. It is affirmed, he carried away more than he left the churches and monasteries; Gregory IX. died quickly after, as the legate foresaw, and the emperor immediately advised the king of it, that he might seize the money levied on the kingdom for the deceased pope, but the legate had carried all with him. He was however so unfortunate in his return to Italy, as to fall into the hands of the emperor's people, who stripped him of all his riches. This was the fruit of his numberless oppressions and extortions in England. Thus the money exacted on pretence of employing it against the emperor, turned to the emperor's benefit.

*M. Paris.  
p. 549.*

*He is seized  
by the emperor's  
people.  
M. Paris.*

The death of Gregory IX. caused a schism which lasted till the next year. During this time, Rossi and Rupin, whom the legate left in England as nuntios, continued their extortions without moderation or justice. Rupin being gone to Ireland, with the king's permission, exacted from the clergy there fifteen hundred marks, a very large sum at that time, for a country where money was extremely scarce. Thus the death of Gregory IX. brought but little relief to the English, though they imagined they had reason to rejoice as at a great deliverance, since no pope had ever carried his actions to that height. The following instance is a clear evidence of what he was capable. Some time before his death, he caused to be proposed to the abbot of Peterborough, that if he would give him, under a borrowed name, one of the monastery's livings of two hundred marks a year, he would farm it out to him at an hundred, and so they should share the benefice between them. But the abbot was too honest to agree to such a proposal. He even acquainted the king with it, who being made sensible of the ill consequences, hindered by his authority, the abbot from being forced to comply. Had the pope succeeded in this project, all the benefices in England would soon have been in the hands of the pope, the bishops, and the abbots. At least, it is to be presumed, Gregory would not have been satisfied with that, but designed it only as an essay of a more general project.

*Schism after  
the death of  
Gregory.  
The nuntios  
continue  
their ex-  
actions.  
M. Paris.  
M. West.*

*Simoniack  
proposal of  
pope Gre-  
gory.  
M. Paris,  
p. 554.*

The clergy were not the only sufferers in England. The people were no less exposed to the king's oppressions, than the clergy to the pope's. The Jews in particular were severely dealt with, for out of their pockets it was that the king usually raised money to defray his extraordinary expences.

*The king  
extorts mon-  
ey from  
the Jews.*

Arrival of  
the earl of  
Savoy.  
M. Paris.  
p. 549, 550.  
M. Wett.

Henry gets  
the queen's  
brother  
chosen  
archbishop.  
M. Paris.

Thomas earl of Savoy, the queen's uncle, being come this year into England, the king received him with such magnificence, that not knowing how to provide money for this charge, he forced the Jews to present him with twenty thousand marks, on pain of being expelled the kingdom<sup>1</sup>.

The king was so desirous of enriching the queen's relations, that he was never weary of showing them marks of his affection. The archbishop of Canterbury dying the last year, as was observed, Henry used so many instances, and other less lawful means, that he got Boniface, the queen's brother, to be elected to the archiepiscopal see. Thus was seen at the head of the church of England, a young foreigner, ignorant of the laws, customs, and language of the kingdom, and consequently incapable of discharging the functions of that dignity as he ought.

Death of the  
earl of  
Pembroke,  
who is suc-  
ceeded by  
his brother.  
Id. p. 565,  
572.  
M. West.  
An. Waverl.

Gilbert earl of Pembroke dying this year<sup>2</sup>, Walter his brother demanded of the king the investiture of the office of earl-marshal, hereditary in their family. Henry at first, in a great passion, denied him, alledging, his two brothers were traitors and rebels, and that he himself was present at a tournament contrary to his commands. However, this lord finding means to make the queen his friend, obtained at length what he demanded.

The affairs  
of Wales.

The affairs of the Welsh employed the king good part of this year. Lewellyn, prince of Wales, departing this life in a very advanced age, left two sons, David and Griffin, who were to share his inheritance. But David seized the whole, and moreover detained his brother in prison. Though, ever since the homage voluntarily paid by Lewellyn, Henry might justly look upon Wales as a fief of the crown, he would not perhaps have concerned himself in this affair, had he not been induced by Griffin's wife. This princess imploring his protection, promised him in her husband's name, a present of six hundred marks, and an annual tribute of three hundred, if he would free that prince out of prison. and put him in

Brady's  
Appendix.  
No. 167.  
M. Paris.  
M. West.

<sup>1</sup> In the Memor. 25 Hen. III. Rot. 7. is a precept sent to certain Jews of Exeter, to take care at their peril, about levying and answering to the crown their contingent of the tallage of twenty thousand marks assessed on them, at the terms appointed for that purpose. The like precept was sent to the Jews of Winchester, &c. For assessing this tallage, an extract or tallage-roll was delivered out by the king's order to the

persons to whose care that affair was committed. See the coin-note at the end of this reign.

<sup>2</sup> He was killed by the unruliness of his horse, whose reins breaking at a tournament at Hertford, he was flung down, and his foot being hung in the stirrup, caused him to be almost kicked to death. He was buried at London, Mat. Paris.

possession of his right. Henry accepting this offer, sent to David to release the prisoner, and restore him his part of the inheritance, threatening him, in case of refusal, with a fierce war, till he should obey \*. David not being able to resist, at a time when many of his subjects were inclined for his brother, took, as he thought, a surer course than that of arms. He out-bid his sister-in-law, and made more advantageous proposals, which were accepted. As Henry had only a view to his own interest, in granting his protection to Griffin, he readily espoused the contrary side, when he found his account in it. Accordingly, from Griffin's protector, he turned his enemy; and lest that prince should escape, he took upon him to see him safely confined in the Tower of London \*. Thus it was that this prince made no conscience of selling his protection to the two opposite parties, without troubling himself on which side justice lay, or regarding his prior engagements †.

Act. Pub.  
T. i. p. 589,  
358, &c.

The same year the empress Isabella, the king's sister, died in child-bed. Her death was soon followed by that of Eleanor of Bretagne, who had been prisoner forty years in Bristol castle. This princess, though reduced to so wretched a condition, could never be brought, during her long imprisonment, to recede in the least from her right, in order to obtain some favour which she could not expect upon any other terms ‡.

Death of  
the empress  
and Eleanor  
of Bretagne.  
Act. Pub.  
T. i. p. 399.  
M. Paris.  
M. West.

Shortly after, Henry was engaged in a troublesome affair, of which he got clear, as usually, with dishonour, and which caused him to forfeit entirely the little esteem his subjects had still left for him. Before prince Richard's departure to the Holy Land, he invested him with the earldom of Poictou, though France was possessed of good part of it, since the conquests of Philip Augustus. This province being thus divided between the two crowns, Lewis thought likewise he had a right to invest with it his brother Alphonso; which proved the occasion of a war between the two monarchs.

Occasion of  
a fresh war  
between  
England and  
France.  
M. Paris.  
p. 566.

\* He went as far as Chester, in order to force him to a compliance. Id. p. 570.

† By John Lexington. This transaction happened between the 8th and 29th of September. Ibid.

‡ This year king Henry placed the body of Edward the Confessor in a rich and curious shrine. Mat. Paris.

§ She died a virgin, and lies buried

in the church of the nunnery of Ambresbury, to which monastery she gave the manor of Melkesham. Sandf. General. p. 69.—This year also, November 9, died Stephen de Segrave, in Leicester abbey, where he had lain hid since his disgrace. Mat. Paris, p. 576.—And William de Fortibus earl of Albemarle. Id. p. 577.

# THE HISTORY

1242;

The earl of  
Marche en-  
gage Henry  
to carry the  
war into  
Poictou.  
M. Paris,  
p. 579.  
M. W.  
T. Wiker,  
Hemingford

Henry being extremely provoked at Lewis's investing the prince his brother with Poictou, resolved to be revenged, and the more, as the queen his mother was concerned. The princess, who, after the death of king John, espoused the earl of Marche, her first lover, behaved with the same haughtiness, she had assumed whilst queen of England. As the territories of the earl her spouse were in that part of Poictou possessed by France, he had all along done homage to Lewis. But when Alphonso became earl of Poictou, she could not bear to see her husband kneel to a brother of the king of France. This was certainly a mistaken pride, since there was a vast difference between the sovereign and the vassal. However, she solicited her husband so earnestly, that at length she prevailed with him to refuse homage to prince Alphonso, though he had now positively promised it. This refusal was even accompanied with some offensive words, which put the king of France in a passion, and made him resolve to chastise the earl's insolence. Mean time, the earl, maintaining what he had done, implored the protection of the king of England. He hinted to him, it would be very easy to drive the French out of all Poictou; and in case he would bear the expence of the war, that province would supply him with troops sufficient for a great army. Henry, pleased with these hopes, summoned a parliament, and demanded an aid answerable to the intended expedition. But his subjects were so tired with granting money to a prince who made so ill use of it, that he could obtain nothing \*. On the contrary, he was sharply upbraided for lavishing away his settled revenues, and the sums daily exacted from his subjects by unlawful means. He was told likewise, that the truce with France not being yet expired, the parliament was unwilling to incur the guilt of the breach of his oath. In fine, complaints were made of the non-performance of his promise, with regard to the two charters which he had so often sworn to observe.

Henry raises  
money by  
other means.  
M. Paris.  
M. West.

Act. Pub.  
T. i. p. 401.

These reproaches were the more grievous, as the king had nothing to reply. However, he persisted in his design, and not being able to prevail with the parliament to grant him an aid, he got what he could from private persons, by way of gift or loan, or other means, in which he spent the whole winter. After this, he summoned all the military tenants of the crown to meet him at Portsmouth on a day

\* They entered, before the meeting of the parliament, into a resolution not to grant him any money, Mat. Paris,

appointed



Appointed. But instead of horse and arms, he ordered them to bring each a sum of money, depending upon the earl of Marche's words, that he should find men enough in Poictou. As soon as the season was fair, he embarked at Portsmouth, He sets out, having made the archbishop of York regent. attended by the queen his mother, and prince Richard his brother, newly arrived from the Holy Land <sup>b</sup>. Upon his departure, he committed the regency of the kingdom to the archbishop of York <sup>c</sup>. He landed in Staintonge, where he was joined by some Poictevin noblemen. The earl of Marche met him also, but so thinly attended, that it was visible, he was not in condition to perform his promise. The Poictevins join him not as the earl had promised. When an army came to be raised in those parts, the officers and soldiers lifted so slowly, under the English banners, that it was easy to foresee the enterprize would not be successful. Mean time, the king of France, who was advancing with a numerous army <sup>d</sup>, laid siege to Fontenay, one of the strongest places in Poictou. During the siege, Henry sent ambassadors to him, to demand all that Philip Augustus had taken from the English, and Lewis VIII. had promised to restore; and in case of refusal, to declare war against him. Lewis declares war. Lewis, Henry who was fainter after his death, being of a tender conscience, could hardly overcome his scruples, on account of his father's oath to restore these provinces. M. Paris, p. 587. In this disposition, he gave the English ambassadors an honourable reception, and answered them with great moderation, that he much wondered, the king their master could break a truce confirmed by a solemn oath. Lewis makes advantageous offers, which are rejected. Adding, that to shew his sincere desire to preserve a good understanding between them, he offered to renew the truce for six years. In fine, he consented to deliver up part of Poictou and Normandy, provided Henry would withdraw his protection from his rebellious vassals, who, for no reason, refused to pay him the obedience due to him. These proposals were as advantageous as Henry could wish. He might too, by accepting them, have procured for the earl of Marche

<sup>b</sup> And about three hundred soldiers. Mat. Paris.

<sup>c</sup> And at the same time restored to his favour Richard, bishop of Chichester, the chancellor; Ralph Fitz Nicolae, and others. But Richard, abbot of Evesham, resigned the great seal — About that time a marriage was concluded between Alexander, the king of Scotland's eldest son, and Margaret daughter of king Henry: in consideration of which, the custody of that

part of England which borders upon Scotland, was committed to the king of Scots. Ibid.

<sup>d</sup> Consisting of above four and twenty thousand men. Mat. Paris; p. 584. At the beginning of this war were seized the persons and goods of the English merchants in the French dominions, and of the French in the English dominions, to the great injury of trade; which seems not to have been practised before. Id.

Henry defeats  
Lewis.  
M. Paris.

an honourable accommodation, which Lewis, as he then stood disposed, would not doubtless have refused. But suffering himself to be guided by the violent counsels of the queen his mother, and the earl of Marche, he proudly rejected these offers. Some days after, he rashly sent two knights hospitallers to defy Lewis, though he was ill able to support his haughtiness. Notwithstanding this bravado, Lewis, who could hardly conquer his scruples, sought to make peace. But at length means were found to remove his uneasiness, by representing to him, that his father's oath was no farther binding, than as the king of England should perform on his part what he had promised: That king Henry had sworn not to exact any ransom from the prisoners, nor to treat ill such of the English as adhered to France: That he had violated both these articles, and this breach of the treaty of London had rendered void the engagements of the other party. In all appearance, Lewis, as pious as he was, sought not to ease his conscience entirely, but only to quiet it for the present, since he was prevailed upon by so poor a pretence. Be this

Lewis takes  
Fontenay.  
M. Paris.  
p. 588.

as it will, he continued the siege, and took the city by storm. A natural son of the earl of Marche being made prisoner, with four hundred knights, Lewis was advised to put them all to death. But he replied, the son could not help obeying his father, and the rest their sovereign, and therefore it was not reasonable that the innocent should be punished for the guilty. This first success was followed by several others, which gained Lewis the possession of divers places in that part of Poictou belonging to the English, without Henry's being able to stop his progress, so ill had he taken his measures.

Id. p. 589.  
M. West.

As Henry endeavoured only to avoid fighting, he went and encamped near Taillebourg, on the banks of the Charente, with the river between him and the enemy. When Lewis had notice of it, he posted himself on the other side of the river, and by means of his engines and cross-bow-men, compelled the English to remove two thousand paces farther.

He gains a  
pass over the  
Charente.

Their retreat gave him an opportunity of easily becoming master of Taillebourg bridge, which was the only way he could come at the English. Mean time, as the day was too far spent to pass his whole army, he was satisfied with guarding the bridge, resolving to attack the enemy by break of day. Henry, who was not strong enough to stand a battle, took the advantage of the night to retire in, whilst prince Richard his brother was endeavouring to amuse the French with proposals of a truce, which however he could obtain only for the

the rest of that night\*. As soon as it was expired, Lewis pursued the English, and overtaking their rear, made them suffer some loss. This at least is the idea the English historians give of this action, which the French make much more considerable. But on such occasions, it is very difficult to discover the truth exactly, because there are but few impartial historians. However, it is very likely the matter was otherwise than the English represent it, since the French give a particular account of this battle, where they say both the kings were present; that Lewis was in great danger; and that four thousand English were taken prisoners. Besides, it is certain, the king of England fled as far as Xaintes, where he was followed by Lewis, and that the earl of Marche making a sally, was the occasion of the two kings coming to a second battle, no less fatal to the English than the former. After this, Henry perceiving he was like to be blocked up in Xaintes, fled to Blaye, where not thinking himself yet safe, he retired to Bourdeaux.

M. Paris, p. 590.

Id. p. 592.

The king of France's extraordinary successes in this war terrified the earl of Marche. He found that the king of England not being able to protect him, as it plainly appeared, his holding out any longer would but render his condition more deplorable. Therefore resolving, though a little too late, to provide for his safety, he sent his eldest son to the king of France, to try to obtain some tolerable terms. The favourable reception Lewis gave the young lord, induced the father to go to his camp, with his wife and children, and throw himself entirely upon his mercy. Lewis, who was extremely generous, very readily pardoned him, though he had sufficient evidence that the countess-queen had suborned people to poison him. He was content with having three of their castles for security of their fidelity. In all appearance, he would have enlarged his conquests upon the king of England, who was little able to resist him, if the plague which arose in his army, and a distemper which himself was seized with, had not prevented him from carrying his arms as far as Bourdeaux. These reasons, and perhaps some remains of his old scruples, caused him to consent to a five years truce, after having sufficiently chastised his enemy by the entire conquest of Poictou.

The earl of Marche makes his peace with Lewis. Will. de Nangis. M. Paris, p. 591. M. West.

Id. p. 594.

A truce for five years. M. Paris, p. 595. Act. Pub. T. i. p. 416.

\* As soon as he had obtained it, he returned to king Henry, and advised him to make his escape with as much speed as he could, otherwise he would be taken prisoner; thereupon the king took horse that night, and never stopped till he came to Xaintes. Mat. Paris,

Though

1243.  
Henry passes  
the winter  
at Bour-  
deaux, and  
sends for  
money from  
England.  
M. Paris.  
p. 596.  
M. West.

The Parlia-  
ment grants  
him an aid.

Loans for  
the king,  
which cause  
great mur-  
murings.  
M. Paris.  
p. 600.

Though Henry had nothing more to do in France, he would pass the winter at Bourdeaux, where he lavished away the remains of his treasure in entertainments and diversions, as if he had been victorious in the late campaign. Mean while his troops were in want of all things, the Gascons not being willing to maintain an English army in time of peace, and without any necessity. So that the king found himself obliged to send for cloaths and provisions for the soldiers to the archbishop of York, his regent in England: ordering him withal, to confiscate the estates of some English barons, who were retired without leave<sup>f</sup>. The first of these orders were executed. But the regent prudently declined meddling with the last, for fear of raising disturbances in the kingdom during the king's absence. This first supply was hardly received before the king sent fresh orders to the regent to demand of the Cistercians one year's profit of their wool. But the abbots excused themselves in such a manner, as plainly shewed they would not be compelled to it without force, which the archbishop did not care to use. In fine, the archbishop, continually pressed to send money to Bourdeaux, obtained of the parliament a scutage of twenty shillings upon every knight's fee, which would have been sufficient to free the king from his present straits, had it been well managed.

Mean time Henry continued still at Bourdeaux with his army, without having any other business but to consume in idle expences the money sent him from England. When his coffers were empty, he demanded fresh supplies of the regent, who was at a loss to answer all his demands. The only means left, was to borrow money in the king's name of such private persons as were reputed rich<sup>g</sup>. This extraordinary proceeding caused great murmurings among the people, as it has always done, whenever the kings have made use of it to supply their occasions. The regent, however, was willing to expose himself to these complaints, in expectation, by that means, to draw the king from Bourdeaux. But withal, he sent him word, there was no possibility of raising any more money, and therefore it was time to think of returning home. This declaration obliged the king to prepare for his departure. As soon as he was resolved, he sent orders to all the barons of England to be ready to receive him at Portf-

<sup>f</sup> William de Ros a nobleman, not being able to afford to stay any longer with king Henry, came over into England; for which Henry ordered him to be disseized of his lands, without the

judgment of his peers; but he was severely reproved for it by his brother Richard. Mat. Paris.

<sup>g</sup> Chiefly of the citizens of London. Mat. Paris.

mouth. They obeyed; but he made them wait so long, that they were extremely disgusted, by reason of the expence they were at, during their stay. Before he left Bourdeaux, Henry ratified the five years truce with France; that dishonourable truce, whereby, besides Lewis's conquests, Henry was bound to pay him yearly five thousand pounds sterling<sup>b</sup>. This was the fruit of this ill-concerted, and still worse managed expedition. However, notwithstanding the reason he had to be ashamed of the success of this enterprize, he would be received at London with extraordinary pomp; as if it was possible to deceive the people by these outward appearances, and make them believe, the king was returned victorious<sup>c</sup>. All the money that was sent him being expended, he was no sooner at London, but he fought a quarrel with the Jews, who, to appease him, were forced to give him a very considerable sum<sup>d</sup>. Of which, Aaron, a Jew of York, paid no less than four marks of gold, and four thousand of silver<sup>e</sup>.

Henry ratifies the truce, and returns to England. A.C. Pub. l. p. 416.

Extortion money from the Jews. M. Paris. p. 603.

Henry was not long in England, before he found occasion to expend what had been exacted from the Jews: The arrival of the countess of Provence his mother-in-law, who was come to celebrate the nuptials of her daughter Cincia with prince Richard, furnished him with an opportunity to consume a larger sum. The charge he was at on account of this marriage may be estimated by the wedding dinner only, which consisted, as it is said, of thirty thousand dishes.

Marriage of prince Richard. A.C. Pub. l. p. 422.

<sup>b</sup> It was but five thousand pounds in all, namely, one thousand pounds a year. Mat. Paris.

<sup>c</sup> He ordered also, that every city or town he came through, four of the chief inhabitants should come out to meet him on horse-back, and richly dressed. Mat. Paris.

<sup>d</sup> It appears by the Memor. 28 Hen. III. that at this time there was a tallage of sixty thousand marks imposed on the Jews. For it is there said: "Baronibus pro Samuele filio Leonis Judæ de Eboraco. Rex eisdem; Sciatis quod Samuel filius Leonis Judæ Eboraci finem fecit nobiscum per septem millia marcarum, pro relevio tallorum dicti Leonis patris sui, & pro catallis præfati patris sui & suis inventis extra archam & ut quietus sit de tallagio sexaginta millia marcarum quod super Judæos nostros Angliæ affideri faciemus:—Et mandatum est iudicialis Judæorum." See the following coin-note.

<sup>e</sup> "Ab uno Judæo, viz. Aaron Eboracensi quatuor marcas auri & quatuor millia argenti emunxit," says Mat. Paris. p. 535. Rapin by mistake says, four thousand marks of gold, and forty thousand of silver, applying here what Mat. Paris says on another occasion; namely, this Jew being fined (for falsifying a charter) fourteen thousand marks of silver to the king, and forty marks of gold to the queen, told Mat. Paris, in 1250, that since the king's return from beyond sea, he had paid him at several times thirty thousand marks of silver, and two hundred marks of gold to the queen. Id. p. 785. The reason of paying these marks of gold to the queen, will be shown in the coin-note at the end of this reign. This same Aaron the Jew, fined with the king in one hundred marks a year to be quit, during life, of tallage. Orig. 20 Hen. III. M. 4.

## THE HISTORY

Innocent  
IV. pope.  
M. Paris.  
p. 604.

The holy see, which had been vacant eighteen months, was filled this year by cardinal Senebaldo of Genoa, who took the name of Innocent IV. The new pope was no sooner consecrated, but he confirmed the excommunication denounced upon the emperor.

1244.

The parliament denies the king an aid.

The parliament's design against the king.

The parliament is prorogued.

The pope vexes the clergy.  
M. Paris.  
p. 641.  
M. West.

Since Henry's taking into his own hands the administration of the government, not a year passed without his demanding money of the parliament. He had at first generally met with a denial: but afterwards the parliament had been gained by the king's assurances, that he would cause his father's charters to be punctually observed. He had a mind this year to use the same artifice<sup>m</sup>, but found the nobility and clergy so strictly united, that he despaired of succeeding. He even perceived it was dangerous to suffer them to be assembled too long, knowing they were taking measures to deprive him of the administration of affairs, which they designed to commit to four of their body, who were to transact every thing in his name. A project of this nature could not but alarm him; and therefore he promised in general to reform what was amiss, and after some fruitless endeavours to divide them, prorogued the parliament<sup>n</sup>.

Mean while, the clergy had a violent shock to withstand from the new pope, who sent into England Martin as his nuncio, to exact money from the ecclesiastics, with power to punish such as were refractory to his commands. The nuncio executed his orders so rigorously, that for the least trifle he suspended priests, abbots, and bishops themselves; and thereby became odious both to the clergy and laity. But it was much

<sup>m</sup> The parliament chose a committee, to examine the king's proposal, consisting of the archbishop of Canterbury, the bishops of Winchester, London, and Worcester: Richard the king's brother, Simon de Montfort earl of Leicester, Roger Bigot earl of Norfolk, Walter earl Marshal. Of the barons, Richard de Munfichet, and John de Bailloil; and the abbots of St. Edmundsbury, and Ramsey. Mat. Paris. p. 639.

<sup>n</sup> Matthew Paris says, this great council or parliament had contrived a new method of government, and intended that four of the most potent and discreet men of the kingdom should be chosen by common consent, who were to transact all affairs relating to the king and kingdom, and to do justice to all without respect of persons. They were to follow the king, and

two of them at least were to be always present with him, that they might hear and relieve the complaints of persons oppressed. The king's treasury was to be managed by them, and all aids were to be expended as they thought most for the benefit of the nation. In a word, they were to be the conservators of the public liberties, and as chosen by common consent, they were not to be removed but by the same authority; when one died, another was to be chosen by the three survivors. And without the consent of these four the great council was not to meet. They were likewise to appoint the judiciary, and chancellor; and the justices of the King's Bench and Exchequer, which were then two in each of those courts. Mat. Paris. p. 640, 641.

worſe,

worse, when he produced the pope's letter to demand of the clergy an extraordinary aid to discharge the debt contracted by Gregory IX. in his wars with the emperor. He alledged, this war being undertaken in defence of the catholic faith, and St. Peter's patrimony, all ecclesiastics and particularly the English, were bound to contribute to the expence. Before the clergy came to any resolution, the king reassembled the parliament<sup>d</sup>, and renewed his demand of an aid. But as he knew he should obtain nothing unless he satisfied the barons with regard to their grievances, he promised with an oath to see the two charters punctually observed; and consented the bishops should excommunicate him, in case he violated his oath. Upon these assurances, the parliament granted him twenty shillings for every knight's fee. But as no pressing necessity could be alledged for this extraordinary aid, it was said, the money should be expended in the marriage of his eldest daughter, though all knew it was intended for other uses.

The pope's demand of them.

The king obtains a scutage by promising to keep the charters. M. Paris. p. 643.

When the nuncio saw the parliament had complied with the king he pressed the bishops and abbots to have the same condescension for their spiritual, as the parliament had for their temporal father. But they slighted this frivolous reason, and alledged much stronger to justify their refusal. The steadiness of the prelates obliged the nuncio at length to desist. But he still continued, by virtue of the power received from the pope, to fill the vacant benefices, which he disposed of in a scandalous manner<sup>e</sup>.

The nuncio solicits the clergy in vain. Id. p. 643.

Whilst these things passed, an accident happened, which broke the strict union which had subsisted between the king and the prince of Wales ever since their agreement. Griffin, who was confined in the Tower of London, endeavouring to escape out of the prison-window, fell into the ditch and broke his neck. Whilst he was alive, his brother David never dared to displease the king, for fear he should support him in his pretensions. But when Griffin was dead, he made an irruption into the borders of England, under colour of being revenged for certain breaches of the late treaty. The borderers upon Wales seeing the king took no care to repel this insult, armed themselves in defence of their country; but as they were too weak, and ill-conducted, were continually defeated.

Affairs of the Welsh. M. Paris. p. 647.

<sup>d</sup> Three weeks after the prorogation. Mat. Paris.

<sup>e</sup> Among the rest he gave the treasurer's place in the cathedral of Salis-

bury to a little boy, who was the pope's nephew, against the will of the bishop and whole chapter. Mat. Paris.

The king of Scotland refuses to do homage to Henry, who prepares for war.  
A.G. Pub.  
T. L. p. 425.

Alexander fees for peace.  
A.G. Pub.  
T. L. p. 428.  
&c.

The prince of Wales offers to become vassal to the pope.  
M. Paris.

At the same time, Alexander II, king of Scotland, having lately married a French lady<sup>a</sup>, sent Henry word, he intended to do him homage no longer for the lands held of the crown of England. How little soever Henry was inclined to war, he could not help, on this occasion, exerting himself, so highly were the English incensed at this bravado. He summoned therefore all the vassals of the crown to meet him at Newcastle, the rendezvous of the army designed against Scotland. When Alexander refused the homage due to Henry, he did not expect to be involved in a war. Persuaded as he was of the weakness and irresolution of Henry, he hoped the difference would be decided as formerly, by a negotiation which might turn to his advantage. But when he saw the English army ready to enter his territories, he became more submissive, and sent ambassadors to Newcastle to sue for peace. Henry received the proposal with joy. Notwithstanding his seeming resolution to push the war with vigour, he readily consented to a treaty, which afforded him an excuse to lay down his arms. Alexander submitted to the same homage paid by himself and ancestors, and a good understanding between the two kings was perfectly restored. Before they parted, a marriage was agreed upon between Alexander's eldest son of the same name with himself, and Margaret, Henry's eldest daughter.

The army raised for the war with Scotland not having occasion to act, the king was advised to make use of it to reduce the prince of Wales to obedience. But instead of improving for favourable a juncture, he dismissed the troops, out of impatience to call a parliament, and demand an aid of money, which however he could not obtain. The prince of Wales so little questioned Henry's using the means he had in his power to chastise him, that to free himself from the imagined danger, he applied to the pope, intimating he was compelled to declare himself vassal, and tributary to the king of England. For which reason, he besought the pope to annul the treaty, offering to become vassal to the holy see, and to pay him the yearly tribute of five hundred marks. Inno-

<sup>a</sup> Daughter to Engelram de Corcy, a potent nobleman of France, and mortal enemy to Henry. Mat. Paris.

<sup>b</sup> This parliament met November 3. upon their refusing the king's money, he extorted fifteen hundred marks from the citizens of London, under pretence that they had sheltered one Walter Buckerel, that had been banished. Mat. Paris.

<sup>c</sup> Rapin says by mistake, five thousand marks that he used to pay to England. Mat. Paris's words are,—“Quod se suamque terram totam, contra regis Anglorum jus contuendam, ecclesie Romane resignavit, ipsi tamen David tenendam, suisque heredibus, reddendo inde annuatim quingentas marcas.” p. 785.



cent IV. being no less greedy of money than his predecessors, was pleased with this proposal. However, to show he did not pretend to decide the matter upon the bare suggestion of a petition; he empowered two Welsh abbots to take informations concerning the pretended constraint alledged by their prince. At the same time he commissioned them to annul the treaty, and absolve the prince of Wales from his oath, in case it appeared he had been really compelled. It was easy to foresee what sentence the judges would pass. The two abbots, proud of their power, insolently summoned the king of England to appear before them, as if he had been a private person subject to their jurisdiction. This proceeding enraged the king and council as well as the whole nation. They were sorry the army was disbanded; but as there was no remedy, it was resolved, another should instantly be raised to chastise the prince of Wales as soon as the season would permit; for it was then the middle of winter. At the same time, the great men conferred together about means to stop the attempts of the court of Rome.

The war with Wales resolved upon.  
A.D. Pub. T. Lp. 4306

Whilst these two affairs were in hand, the court received intelligence, that the king of France had sent away all the English in his dominions. Though the truce was far from being expired, Lewis thought fit to take this step, to prevent the king of England's subjects in France from being too well informed of the affairs of the kingdom. To that end, he assembled at Paris all who had estates in France, and declaring to them, he thought it not possible to serve faithfully two masters at once, gave them their choice to prefer which they pleased. Those that declared for England, were ordered to depart out of France within such a time, with assurance of retaining their lands. Henry did not act with the same justice. As soon as he was informed of Lewis's proceedings, he seized all the lands held by the French in England, without any regard to the remonstrances of the king of France. However, Lewis did not think fit to break the truce for the sake of some private persons'.

Lewis expels the English settled in his dominions.  
M. Paris P. 614

Henry confiscates the lands of the French.

Shortly after the emperor Frederic sent ambassadors to Henry, complaining of the frequent aids of money given to the pope. He ordered him to be told, for the future, he

The emperor for complaints of the aids sent the pope.  
Id. p. 614

\* M<sup>r</sup>. Paris says, that the French king gave the English in his dominions the choice of relinquishing either their estates in France, or those in England. And that they were forced to do one or the other. But it does not appear, he

gave any assistance to those who quitted France, that they should retain their lands. The harshness on Henry's part, was, that he left the French in his kingdom no choice, but seized their lands to his own use.

would treat all the English that should fall into his hands as enemies, since he could not deem them otherwise. His complaints had no other effect, than that the clergy took occasion from thence to oppose the exactions of the court of Rome, whose continual pretence was the war with the emperor.

1245.  
Birth of  
prince Ed-  
mund.  
M. Paris.

In the beginning of the year 1245, the queen was delivered of another son, christened Edmund. I shall have frequent occasion to speak of this prince before the end of this reign.

The war  
with the  
Welsh.  
ibid.  
M. West.

The war with the Welsh, which was deferred till the spring, was accordingly begun at that time. But the English proceeded with so little vigour, that instead of attacking their enemies, they were hardly able to defend themselves.

Vigorous  
resolutions  
of the ba-  
rons against  
the pope.  
M. Paris.

This was not so much owing to their weakness, as to their being employed in other affairs, which to them seemed of greater moment than the war with Wales. They at length resolved to free themselves from the tyranny of the court of Rome. Martin the nuncio used his authority with so little discretion, that it was not possible to bear it any longer. The barons, who saw with grief all the money of the kingdom remitted to Rome, and perceived the clergy always gave way when the pope came to be opposed, were at last determined to exert their utmost to prevent such frequent exactions. After several conferences, they resolved to act by their own authority. Accordingly, without waiting any longer for the king's protection, who appeared very backward to second them, they issued out orders to the wardens of the ports, to stop all persons that should bring any bulls or mandates from Rome. Pursuant to these orders, which were every where obeyed, without regarding whether they were approved by the king, a messenger from Rome was seized with several bulls about him, empowering the nuncio to exact money from the clergy on divers pretences. The nuncio complained to the king, who commanded every thing that was seized to be restored to him. But the barons strongly remonstrated, how much he wronged his subjects in perpetually countenancing the exactions of the court of Rome. For his conviction, they laid before him the value of the income enjoyed by the Italian ecclesiastics in England, amounting to sixty thousand marks per annum, a sum exceeding at that time the whole revenue of the crown<sup>u</sup>. Henry, who had never made so exact a calculation, could not help showing his surprize. But as he durst not venture of himself to redress this grievance, for fear

A courier  
from the  
pope stop-  
ped.

M. West.

<sup>u</sup> Ad quam summam non attingit redditus annuus totius regni Angliæ.  
Mat. Paris.

of the pope's resentment, he was contented with permitting the barons to write to the general council then assembled at Lyons, to set forth the intolerable oppressions which England suffered from the court of Rome. Accordingly the barons wrote to the council in the name of the whole kingdom, inserting in their letters, sent by ambassadors on purpose, all the grievances complained of by the English<sup>a</sup>. But as they knew that on such occasions the court of Rome never failed to use delays and evasions, they resolved to take a more speedy and effectual course. For that purpose they agreed to meet under pretence of a tournament, in order to concert the necessary measures for executing their design. The king, dreading the consequences of this assembly, forbid them to be present at the tournament; but they did not think proper to obey. They met therefore at the place appointed<sup>x</sup>, and after some conferences, sent to the nuncio a knight, who commanded him in their name, forthwith to depart the kingdom. The knight discharged his commission very bluntly; and upon the nuncio's demanding, who gave him his authority? he answered, the whole nation; and in case he staid three days in England, he should infallibly be cut in pieces. Martin failed not to carry his complaints to the king: but Henry telling him, he was not able to protect him<sup>y</sup>, he demanded a pass-port, and departed immediately, to the great satisfaction of all the people. The pope who had never met with such a check in England, was so enraged, that he was heard to say, "I see plainly I must make peace with the emperor, that I may humble these petty princes: for the great dragon being once appeased, I shall with more ease be able to crush the smaller serpents."

The barons send a letter to the general council, Ad. Pub. tom. i. p. 434.

Id. p. 660.

Mean while the English ambassadors being arrived at Lyons, presented their letter to the council, where the pope presided in person. The letter being publicly read, Innocent was so surprized, that he said not a word in his own vindication. After the ambassadors had waited some time, to see if he had any thing to alledge against the contents of the letter, one of them gave a particular narrative of the grievances of their nation. He dwelt chiefly on two articles, the first related to the tribute of the thousand marks,

They lay open the grievances of the nation,

<sup>a</sup> This bold and elegant epistle was sent by earl Roger Bigot, John Fitz-Geoffrey, William de Cantelupe, Philip Basset, Ralph Fitz-Nicholas, and Mr. William Poweric their secretary. Mat. Paris.

<sup>x</sup> June 29, at Luton and Dunstable in Bedfordshire. Mat. Paris.

<sup>y</sup> Mat. Paris says, king Henry was in a violent passion, and wished the nuncio to the devil; but that being pacified by his courtiers, he sent Robert Noris, a marshal of his palace, to conduct him safely to Dover.

particularly the tribute, which king John promised to pay every year to the holy see. He maintained that king John could never render his kingdom tributary, and his engagement being never confirmed by the barons, was to be deemed null and void. The other article concerned the clause of Non-obstante, inserted by the pope in all his bulls; a clause entirely destructive of the rights of bishops, abbots, monasteries, and patrons of benefices. For instance, when the pope had a mind to dispose of a benefice, he inserted this clause in his bull, Non-obstante (i. e.) "Notwithstanding the right of patronage or other privilege to the contrary." This was in effect to annihilate all the rights and liberties of the church of England. To these two grievances, the ambassadors added many others concerning the perpetual extortions of the nuncios and legates, and in general all the oppressions to which the English nation had long been exposed.

They protest against the tribute, and retire. *Id.* p. 681.

The pope pretends to give the English satisfaction. *Act. Pub. tom. i. p. 426.*

He forces the bishops to sign the charter of tribute. *M. Paris. p. 661.*

In vain did the ambassadors expect an answer from the council: the pope continually hindered the affair from being considered. At length, perceiving they were only amused with continual delays, they presented to the council a protestation against the tribute granted by king John, and withdrew. During their stay at Lyons, the pope never made the least step to satisfy them. But when they were gone, he endeavoured to cast a mist before the eyes of the council, by making them believe he intended to redress the grievances complained of. To that end, two bulls were drawn up, the first whereof permitted the English patrons to present whom they pleased to livings in their gift. By the second it was granted, that when a beneficed Italian died or resigned his preferment, another should not immediately succeed. He made a great flourish of these two bulls, as if he had granted some very signal favours to England. But he staid till the ambassadors were departed, for fear they should demonstrate how disproportionable this slight satisfaction was to their grievances. As to the tribute, against which they protested, Innocent never intended the English nation any satisfaction. On the contrary, when the council broke up, the pope wrote thundering letters to the English prelates, expressly enjoining them to confirm and set their seals to the charter of tribute granted by king John to the holy see. Though the bishops had very strong reasons to excuse themselves from taking such a step, they durst not how-

\* This clause, though copied from the court of Rome, in a few years crept into the king's charters, as will be seen hereafter.

\* These privileges signified nothing by reason of the bar of a Non-obstante, whenever he pleased to make use of it.

ever disobey, for fear of the threatned excommunication. The king appeared at first displeased at the pope's haughty proceedings, and seemed willing to oppose his pretensions. But he soon resumed his wonted complaisance for the court of Rome.

The war with Wales was the reason this affair lay dormant for some time. The king, who had long suffered the Welsh to infest his borders with impunity, at last headed his army, threatening utterly to destroy their country<sup>b</sup>. But this sudden blaze was quickly extinguished. He was no sooner entered Wales, but missing the enemy, who were retired to their mountains, he grew weary of the war, and after building the castle [of Ganoc] on an advantageous situation, returned to London.

War with the Welsh. Id. p. 682.

Walter earl of Pembroke dying this year without issue male, Anselm his brother, then dean of Salisbury, was his heir, and succeeded him in his office of earl marshal: but he did not long enjoy it; being seized by death a few months after. Thus the noble family of Pembroke and Striguil was extinct, whereof the five last earls, who were brothers, were invested with the dignity of earl marshal, hereditary in their family<sup>c</sup>.

Extinction of the family of the earls-marshal. M. Paris. M. West.

David prince of Wales died in the beginning of the year 1246. As he had left no children, the lords of that country chose for his successor Lewellyn his nephew, son of the unfortunate Griffin, killed in endeavouring to escape out of the Tower of London.

1246. Death of David prince of Wales.

The quarrel with the court of Rome was somewhat suppressed, when the pope renewed it, by an imposition upon the ecclesiastics, greater and more insupportable than all the former. The clergy were so awed by the Roman pontiffs, that they durst not stir towards freeing themselves from their yoke. But it was otherwise with the barons, who began to take measures to oppose these oppressions. In a parliament assembled during Lent, it was resolved that the nation's grievances should be committed to writing, and satisfaction demanded of the pope in a letter, signed by the king, bishops, and temporal lords<sup>d</sup>. The principal grievances were these:

Fresh exactions of the court of Rome. M. Paris. P. 690. M. West.

<sup>b</sup> Whilst he was employed against the Welsh, some Irish landed in Anglesey, and destroyed the whole country with the edge of the sword. Mat. Paris.

<sup>c</sup> The vast estate in England, Ireland and Wales, belonging to this family, fell among five sisters, who were married to divers great noblemen of Eng-

land. The family failed in the third generation from Richard Strongbow, the first earl of Striguil.

<sup>d</sup> Matthew Paris says, the king wrote by himself, the bishops by themselves, and so likewise the abbots and barons by themselves, of all which letters there are copies extant in Mat. Paris.

Grievances  
of the na-  
tion,

I. That the pope, not content with the annual payment of Peter-pence, exacted from the clergy great contributions without the king's consent, against the customs, liberties, and rights of the church and realm of England.

II. That the patrons of churches could not present fit persons to the vacant livings, the pope conferring them generally on Italians, who understood not the English language, and carried out of the kingdom the money arising the income of their benefices.

III. That the pope oppressed the churches by exacting pensions from them.

IV. That when an Italian ecclesiastic died, his benefice was immediately bestowed on one of the same nation, as if the Italians had a right to possess such a number of benefices in the kingdom. That whereas the Italians were invested without trouble or charge, the English were forced to go and prosecute their right at Rome, contrary to the indulgences granted to England by former popes.

V. That in churches filled by the Italians, there were neither alms nor hospitality; neither were there any preaching, and the care of souls was entirely neglected.

VI. That the clause of Non-obstante, generally inserted in all bulls, absolutely destroyed all laws, customs, statutes, and privileges of the church and kingdom.

These articles shew that the bulls granted by Innocent at the council of Lyons, were not executed, since the same grievances, which they seemed to redress, were still complained of.

The pope  
continues  
his oppres-  
sions.

M. Paris.

The letter of the king and barons had a contrary effect to what was expected. The pope accused the clergy of extorting it by their importunities, and took occasion from thence to load them with new and unheard of taxes. He not only compelled the bishops to sign the emperor's excommunication\*, but moreover commanded each to find him a certain number of men well horsed and armed, to serve against that prince, pretending all churches were equally concerned in the war†.

He claims  
the goods of  
intestate  
clergymen.

After this, to let the English see how little he valued their murmurs, instead of reforming the old, he introduced a new grievance, by claiming the administration of the goods of ec-

\* In the council of Lyons the emperor Frederic was again excommunicated and deposed; which deposition the pope made the English bishops sign. Mat. Paris.

† He ordered some of the bishops to maintain him ten soldiers, some five,

others fifteen, for a whole year, at their own charges, well provided with horsed and arms, and to fight wherever his holiness should think convenient. Mat. Paris. He also granted the archbishop of Canterbury the first fruits of all the livings within his province.

clerics dying intestate. At first the king opposed the execution of these articles; but the fear of a threatened interdict and excommunication, obliged him, as formerly, to submit to the pope's pleasure. This compliance made the pope so imperious <sup>2</sup>, that he imposed a fresh tallage of a third part of their moveables upon clergymen that resided on their livings, and of one half upon non-residents. This being the case, it is no wonder, if the popes were so unwilling to make peace with the emperor, since the war furnished them with a pretence to levy such frequent taxes upon the clergy. The bishop of London was commissioned to execute this new order, with power to excommunicate and suspend the disobedient. But whilst this prelate and some others were met upon this occasion, the king sent them word not to consent to this imposition, whereupon they broke up their meeting. If Henry had as vigorously opposed all the other attempts of the court of Rome, he would have equally succeeded, since the pope thought not fit to push the matter any further, when he found a resolute opposition <sup>3</sup>.

He lays a heavy tax on the clergy. M. Paris. M. West.

which the king effectually opposes.

The absolute power claimed by the pope over Christians, caused pernicious effects among some English bishops, who imagined the church's authority to be unlimited. Upon this ground they pretended to extend it over civil affairs because there is hardly any thing but where religion may be made to interpose. The bishop of Lincoln, prepossessed with this notion, took upon him this year to make severe inquisitions concerning the life and manners of every particular person in his diocese. It may be, this was done with a good intent; but the danger was, that this incroachment would be imitated by others, and at length degenerate into a real tyranny. Accordingly, it was deemed a manifest usurpation, to which the king put a stop by his own authority <sup>4</sup>.

Attempt of the bishop of Lincoln. M. Paris, p. 716.

<sup>2</sup> He imposed a tallage of six thousand marks upon the English clergy; which king Henry forbid the payment of, by his letter dated at Westminster April 1, which see in Mat. Paris, p. 707. This matter was afterwards taken into consideration by the parliament, "ubi congregata fuerat totius regni tam cleri quam militiae generalis universitas," as Mat. Paris expresses it, and was absolutely forbidden. A parliament was assembled again at Winchester, July 7, to consider of these matters. P. 709.

<sup>3</sup> So likewise in the case of admiring to the clergy that died intestate, upon the king's prohibition and the mediation of the cardinals, the pope revoked this order. Mat. Paris.

<sup>4</sup> He sent a writ to the sheriff to hinder any person from making enquiry, unless in matrimonial and testamentary causes; which Tyrrel observes is an evidence of the antiquity of the king's prerogative to grant prohibition to stop the proceedings of bishops in matters which belonged not to them. Vol. ii. p. 941. Mat. Paris.

Death of the  
king's mo-  
ther. Id.

1247.

The king's  
exactions.  
M. Paris,  
M. West.

Insignificant  
privileges  
granted the  
king,

The king's  
three half-  
brothers  
arrive in  
England.  
M. Paris,  
M. West.

Isabella, countess of Marche, and queen-dowager of England, the king's mother, died this year<sup>1</sup>, after living in no great reputation, if we may believe certain historians<sup>1</sup>.

The year 1247, like the last, was spent in contests between the pope and the clergy; the first increasing his oppressions, in proportion as the others vainly strove to secure themselves from them. In the beginning of this year, the bishops and abbots were forced to make a present of a thousand marks<sup>2</sup> to a new legate, sent by the pope into England, upon no other account but to exact money from the clergy. At the same time, and for the same reason, there was a nuncio in Ireland, who procured five hundred marks<sup>3</sup>. As the king was ever ready to countenance the court of Rome's exactions, the pope was willing, in his turn, to shew him some mark of his gratitude. To that end, he sent him a bull, ordaining, that for the future, no Italian, not even the nephew of a cardinal, or of the pope himself, should be admitted to any benefice in England without the king's consent: ample recompence for the vast sums drawn every year by the pope out of the kingdom! A privilege besides which signified nothing, for the pope was very sure of obtaining the king's consent, whenever he should vouchsafe to ask it.

To complete the misfortunes of the English the king's three half-brothers, Guy de Lusignan, William de Valence, and Athelmar, sons of the earl of Marche<sup>4</sup>, came into England. The earl their father sent them to the king, to be eased of their maintenance, and in expectation he would provide for them. When they arrived, they were destitute of all things, and had nothing to subsist upon but the favours of the king their brother. Henry was forced therefore not only to maintain them, but likewise to satisfy their avarice and ambition with presents, places, and benefices, to the detriment of the English.

<sup>1</sup> She was daughter and heir of Ailmer, earl of Angoulême (by Alice, daughter of Peter lord Courtney, fifth son of Lewis le Crois king of France,) and after king's John's death remarried to Hugh Bruz earl of March, and lord of Lusignan and Valence, in Poitou, by whom she had several children advanced by Henry III. the 1 half-brothers. Isabella, after her second husband's death, took the veil in the monastery of Fontevraud, and there dying, was interred in the abbey-church. The arms of queen Isabella are enamelled in several places upon the tomb of Wil-

liam de Valence, earl of Pembroke, her son, in the chapel of St. Edmund in Westminster Abbey, being Loazengy, or and gules. Sandf. General. p. 83.

<sup>2</sup> This year also, king Henry granted the office of earl marshal to Roger Bigod earl of Norfolk, who had married Maud, eldest daughter of William late earl marshal. Mat. Paris.

<sup>3</sup> He demanded six thousand marks of the bishop of Lincoln alone. Mat. Paris.

<sup>4</sup> Six thousand marks. Mat. Paris, M. West.

<sup>5</sup> With their sister Alice. Mat. Paris.



This same year William earl of Holland, a young prince of twenty years of age, was elected king of the Romans, by the intrigues of the pope, who had deposed Frederic in the council of Lyons. But his holiness did not find it so easy to put him in possession of the empire, as to procure him the votes of part of the electors,

Earl of Holland elected king of the Romans.  
M. Paris.  
M. West.

What fair promises soever the king made the parliament, upon their granting him the last aid, he had however performed nothing. And therefore, when he demanded a fresh supply of the parliament assembled in the beginning of the year 1248<sup>p</sup>, he received a very mortifying answer. He was asked, how he could, without blushing, renew his demands, after so frequent breach of his word. He was upbraided for his immoderate kindness, and excessive bounty to foreigners; for his contempt of his native subjects; his negligence in encouraging trade and protecting merchants, of whom he even exacted impositions which were not due. Very sharp complaints were made of his keeping in his own hands the vacant benefices, and conferring the prime offices of the state, such as those of chancellor, treasurer, justiciary, on persons not qualified, without ever vouchsafing to consult his parliament. Henry, perceiving by the boldness of these reproaches, that it would be very difficult to bring the barons to any temper, prorogued the parliament, in order to gain time to consider what he should do.

1248,  
Henry receives a mortifying answer from the parliament.  
M. Paris.

During the prorogation, the pernicious counsels of his ministers set him more and more against his subjects, and induced him to be entirely governed by the foreigners. Of this there quickly appeared a clear evidence in the extraordinary courage they inspired him with, of which he was naturally incapable. When the parliament met, he upbraided the barons for endeavouring to impose upon him laws, to which they themselves would think it hard to be liable: that every one of them was master in his own family; made use of what counsellors he pleased; put in and turned out his domestics without controul; but that he alone was treated like a slave by his own subjects<sup>q</sup>. In short, he declared, that far from changing his mi-

He is entirely guided by foreigners.

He speaks roughly to the barons.  
M. Paris,

<sup>p</sup> In the beginning of February. It consisted, according to Mat. Paris, of a great number of barons, knights, noblemen, and also abbots, priors, and clergymen. p. 743. He gives there an account of the bishops and earls then present.

<sup>q</sup> This reasoning is very fallacious, though it has all along been used by

those who do not consider that a person's mismanagement of his own private affairs affects none but himself; whereas the male-administration of a public minister is detrimental to the whole kingdom, and consequently it highly concerns a nation, that the great officers of the state be filled with good and able men.

nistry at their pleasure, he meant to be master in his own kingdom, and that it was their duty to obey. As for the other grievances complained of, he was contented with returning general answers, without specifying any thing. After that, he told them he expected a speedy aid of money, to enable him to recover the French provinces. This unseasonable haughtiness served only still more to exasperate the barons. They boldly replied, since he designed not to reform what was amiss, they were not so senseless as to continue to impoverish themselves for the sake of foreigners, under pretence of an imaginary war. This answer leaving the king no hopes, he chose to dissolve the parliament, for fear they should proceed to more vigorous resolutions. Mean time, as his treasure was quite exhausted, he was forced to sell his plate and jewels, which were soon bought up by the citizens of London. He was extremely incensed to see the Londoners so readily find money to purchase his jewels, and yet continually plead poverty when he wanted a supply. This consideration put him so out of humour, that he established a new fair at Westminster, during which all commerce was prohibited in London<sup>1</sup>. So far was he from hearkening to the complaints of the merchants on this occasion, that he gave them fresh marks of his displeasure in keeping his Christmas in the city, and compelling them to present him with large new-year's gifts. Shortly after he demanded also a supply of money, and in spite of their endeavours to the contrary, they were constrained to give him two thousand pounds sterling<sup>2</sup>.

Their answer.

The parliament dissolved.  
The king sells his jewels.

A fair at Westminster to vex the Londoners;

of whom he extorts presents.

1249.  
He uses in vain other means to raise money.

But so trifling a sum not sufficing for his wants, he thought himself to borrow money of the barons, bishops, abbots, merchants and richer sort of citizens in the kingdom. But as he found he was unable to force them to what he desired, he applied to them in so mean and cringing a manner, that one would have thought he was begging an alms<sup>3</sup>. Notwithstanding this debasing of himself, he was refused by the greatest part, who pleaded poverty, though he pretended

<sup>1</sup> It was to last fifteen days, and began October 13. All fairs that used to be kept at that time, such as that of Ely, etc. were prohibited all over England. Mat. Paris.

<sup>2</sup> At this time the money was so shamefully clipped, even within the inner circle, by the Jews, Flemings, and money-changers, that an order was issued out, that money should be taken only by the weight, and no pieces should pass but what were round. And in the

new money that was coined, to prevent clipping, the cross and letters were ordered to reach quite to the edge of each piece. This order occasioned a great deal of confusion, and proved a great obstruction to trade for some time. Mat. Paris. Annal. Waverl.

<sup>3</sup> He not only applied to the nobility, but also to all the abbies in the kingdom; and got sixty marks of St. Alban's monastery in particular. Mat. Paris.

to be under an indispensable necessity of making war upon France. But he could not possibly have invented a worse pretence: every one knew he was strictly forbidden by the pope to disturb the territories of the French king during his absence, he being gone this year to the Holy Land. The true reason that engaged him thus in search of money, was his being deeply in debt without having wherewithal to pay: besides, his brothers, to whom he could not refuse any thing, never regarded his wants, but continually pressed him with their unreasonable demands. His fondness for them was such, that he missed no opportunity of heaping favours on them, though he could not be ignorant that every favour gave fresh cause of discontent to the English barons.

Shortly after, the bishopric of Durham becoming void, Henry earnestly recommended Athelmar, the youngest of his brothers, though he was far from being of a sufficient age and capacity to govern so large a diocese: accordingly that objection was made to him by the monks of Durham. They moreover represented to him, that he had often promised to leave to the churches the freedom of elections, and therefore humbly intreated him to let them enjoy the effect of his promises. Henry offended at these remonstrances, returned in answer, "That since they thought his brother too young, he would keep the bishopric in his own hands till he should be of a fit age."

Alexander II. king of Scotland, died this year, leaving Alexander III. his son, of eight years of age, to succeed him.

About this time, the king being informed that certain Gascon lords were revolted, sent into Guienne Simon de Montfort earl of Leicester, who reduced the rebels to obedience, and gained a great reputation.

In the beginning of the next year, prince Richard, the king's brother, set out with a magnificent retinue, to confer with the pope, who was still at Lyons. This journey and the extraordinary honours paid him by the pope, afforded matter for divers speculations, which exercised the wits of the politicians. But the real motive thereof was unknown till some years after.

\* This year, after Easter, there was an assembly of the great men at London, in order to have what the king had frequently promised them put in execution, namely, such a chancellor, justiciary, and treasurer chosen, as they

liked. But their endeavours proved unsuccessful by prince Richard's deserting their party. Mat. Westm. This year also died the famous Hugh de Brun earl of Marche, so often mentioned. Mat. Paris.

He tries in vain to make his brother bishop of Durham.

Alexander III. king of Scotland.

Earl of Leicester sent into Guienne.

Act. Publ. tom. i. p. 449.

1250.

Prince Richard confers with the pope at Lyons.

M. Paris.

p. 772.

M. Westm.

How

Henry takes  
the cross.  
Aët. Publ.  
tom. i.  
p. 451—456  
M. Paris.  
M. West.

How pressing soever the king's necessities were, he took the cross from the hands of the legate, and vowed to go against the Saracens of Palestine. His example was followed by above five hundred knights\*, and an incredible number of esquires and people of an inferior condition. After all the denials Henry had met with from the parliament, he must have foreseen how difficult it would be to obtain an aid suitable to an undertaking of that nature: and therefore his design was not to go the voyage, but to draw from the parliament a large subsidy on that pretence, in a belief they durst not deny him. At least, he was persuaded the methods he should use to exact money from his subjects would be authorized by so plausible a reason. Besides, he was very sensible that with part of the money he could easily procure a dispensation of his vow. His conduct afterwards confirms this conjecture.

Be this as it will, those that had taken the cross with the king, prepared themselves with all speed; and perceiving he made no preparations, offered to go without him. Their haste was very displeasing to him, as it too plainly discovered his backwardness in a cause where all the world strove to shew marks of their zeal. To remedy this inconvenience, he desired the pope to hinder his subjects from going before he was ready to head them. This favour was readily granted, and the interests of the king of France, who might have made good use of this reinforcement, were sacrificed to the pope's desire of contenting the king of England. Innocent forbid the English, under pain of excommunication, to set out before the king; and by that means all the charges they had been at for their voyage became useless. If this prohibition raised many murmurs in England, it was not more favourably considered in France; every one openly said it was a plain case, the pope did not much trouble himself whether Lewis succeeded in his expedition, since he deprived him of the assistance of the English croises.

The pope  
forbids the  
croises to set  
out before  
the king.  
M. Paris.

Inquisitions  
touching the  
forests.

Mean time, Henry not daring to demand money of the parliament, used all sorts of methods to raise it elsewhere. One of his most effectual methods was, to commission a judge entirely devoted to him, to make inquisition in all the counties, concerning trespasses upon the royal forests. This commission was in itself very odious, since it included all the cases excepted in king John's charter. But the manner in which

\* Among whom were the earl of Valence, Paulin Piper, John Mansel, Leicester, William Longespee, Fitz-Philip Luvel, etc. Mat. Paris, Mat. Westm. Rymer's Fœd. tom. i. p. 447.

It was executed by the inquisitor, rendered it still more intolerable, for he punished the least fault by excessive fines, or confiscation of estate: By these arbitrary proceedings he procured the king a large sum of money, but withal drew on him the hatred and curses of the people<sup>2</sup>.

Amidst these transactions, Henry was not unmindful of his Henry relations. The bishopric of Winchester, the richest in causes his half-brother to be elected bishop of Winchester, Id. p. 800, etc. T. Wikes. the kingdom, being vacant, the king strongly recommended his brother Athelmar, whom the chapter of Durham had refused the last year. He was not satisfied with sending commendatory letters, but would go in person to Winchester, to support his interest by his presence. On the day of election he came into the chapter-house, and made a short sermon upon this text, "Righteousness and peace have kissed each other;" which he applied, in the best manner he could, to the business in hand. Though he met at first with great opposition, by reason of the youth and insufficiency of the person recommended, yet by his promises and threats he at last obtained his desire. The pope, to please the king, failed not to confirm the election, intending to ask him another favour in his turn.

The sad news had now reached Europe of the king of France's misfortune in falling into the hands of the Saracens, who detained him in prison<sup>3</sup>. All France openly charged the pope with being the cause of their monarch's disgrace, by absolving for money those that had taken the cross from performing their vow. Amidst these murmurs Innocent was very uneasy at Lyons, dreading an attempt upon his person. Charles and Alphonso, brothers of St. Lewis, came on purpose to upbraid him in an outrageous manner, and proceeded so far as to threaten him. To free himself from this troublesome state, and from the complaints which perpetually sounded in his ears, he desired leave of the king of England to reside at Bourdeaux. Henry was willing to gratify him, but was prevented by the remonstrances of the clergy and barons: they

<sup>2</sup> This unjust and pernicious project was set on foot by Robert Paisleu, and the inquisitors (for there were two, namely, Robert of St. Alban's, a clerk, and Geoffrey de Langley, a knight,) made nothing of ruining divers of the best quality (especially in the north) for killing but a deer or a hare, though it were in the very highway; and clapped up several gentlemen in prison but for muttering against their unjust proceedings. Mat. Paris.

<sup>3</sup> He was taken in a battle near Demetia, in which all the Knights Templars were slain except three, and all the Knights Hospitalers except four. There fell likewise in the same battle the following persons of note, Ralph de Cuscy, Hugh earl of Flanders, Hugh Brun, earl of Marche, the earl of Pontieu, William Longsword, Robert de Vere, and about eight thousand two hundred soldiers, or, according to others, eighty thousand. Id. p. 793.

The king  
returns no  
answer.  
The affairs  
of Sicily.

were apprehensive the pope would pass from Bourdeaux into England, where his company was by no means desired. So, the king delayed sending an answer, which the pope took for what it was indeed, a civil denial.

As I am soon to enter upon an affair which wholly employed Henry several years, I think myself obliged to shew, by way of digression, the rise and progress thereof; I mean the pope's donation of the kingdom of Sicily to prince Edmund, son of our Henry. But to give an idea of this matter that may serve for the better understanding the sequel, it will be necessary not only to see what passed in Italy at the time of this donation, but also to take the thing from it's first original. This digression will not seem impertinent, when this unhappy affair will be seen hereafter to be a fertile source of oppressions upon the English, as well from their king as the Roman pontiffs. Besides, it serves to discover three things, equally remarkable in the history of this reign: first, the character of Henry, and his indiscretion to engage in the most difficult undertakings, without foreseeing the obstacles: secondly, the authority assumed by the popes in England, and their manifest abuse of it: lastly, we shall see, this affair was the chief occasion of the troubles in the end of this reign. Though the events I am going to relate formerly made a great noise, and deserved the greater attention, yet as they belong not properly to the history of England, I shall abridge them as much as possible, and say no more than is absolutely necessary for the sequel of this reign.

Every one that is the least versed in the history of Europe, knows that towards the close of the eleventh century, some Norman nobles, sons of Tancred de Hauteville, conquered the island of Sicily upon the Saracens; and Apulia, Calabria, and several other southern provinces of Italy, upon the emperors of Constantinople. These first conquerors, from a religious principle, or some other motive, did homage to the pope for their conquests, and made themselves vassals and feudatories to the church of Rome, though she gave them nothing, nor had even promoted their undertakings. Whatever their policy might be in thus submitting to the holy see, it is a fact beyond all dispute. The conquests of the Normans were at first divided into several parts, whereof Sicily, beyond the Faro, or the Island of Sicily, made a kingdom of itself. The rest was divided into dukedoms or principalities, under the name of Sicily on this Side the Faro, of which Calabria and Apulia were the chief: this is what was afterwards called the kingdom of Naples. All these several parts, I mean  
the

the two Sicilies, were at length reduced into one kingdom, under Roger I. Tancred's youngest son, who assumed the title of King of Sicily. He had for successor William I. his son, surnamed the Bad, to whom succeeded William II. his son, called the Good, to distinguish him from his father. William the Good dying without issue, the Sicilians thought fit to place on the throne Tancred, base son of Roger I. who added to the title of his predecessor that of King of Naples, or Sicily on this Side the Faro. It is necessary to observe, that by Sicily is meant sometimes the Island of Sicily alone, sometimes both the Sicilies together as making but one kingdom.

Clement III. who sat in the papal chair in the time of Tancred, considered the proceedings of the Sicilians as an incroachment upon his rights: he pretended, that by the death of William the Good without heirs, the two Sicilies were devolved to the holy see, and as lord paramount he could dispose of them as he pleased. Mean time, as spiritual weapons were incapable of dethroning a prince in possession, Clement sent into Apia and Calabria an army, which at first made some progress: but death seizing him presently after, prevented him from pushing his enterprize any further. Celestine III. his successor, resolved to pursue what his predecessor had begun; but perceiving he could not compass his ends with his own forces alone, he deemed it necessary to engage in this quarrel some prince who was able to support him. For that purpose he invested the emperor Henry VI. with the two Sicilies, on condition of the homage to which the first Norman kings had obliged themselves to the Roman church. However, it was to be feared, so arbitrary an act, especially in favour of a foreigner, would exasperate the Sicilians, and attach them more firmly to Tancred. To prevent this inconvenience, and give withal some colour of justice to what he had done, he caused Constantia, daughter of Roger I. to be taken out of the monastery of St. Saviour's at Palermo, of which she was abbess<sup>2</sup>. This princess, who was then fifty years of age, being brought to Rome, the pope absolved her from all her vows, and gave her in marriage to Henry, thereby to add a more plausible right to the grant he had made that monarch. Besides, by means of this marriage he hoped

<sup>2</sup> Mezerai says, that Constantia was never a nun; but Gio. Summonte, historian of Naples, assures us she was abbess of St. Saviour's. Fazellus, historian of Sicily, says that pope Cele-

tine absolved her from her vows; and that this appears even from the decrees of that pope, now in the archives at Rome. Rapin.

to sow among the Sicilians seeds of dissension; of which himself and the emperor might reap the advantage. Henry supported by this additional right, immediately headed his army, and marched into Apulia; where however he made no great progress, by reason of a pestilence among his troops, and of some other affairs which obliged him to return to Germany.

So Tancred kept the crown of Sicily till his death, in 1145; William III. his son succeeded him.

Henry no sooner heard of Tancred's death, but he marched back into Italy and besieged the city of Naples, which made a vigorous defence. The resistance of the Neapolitans causing the emperor to despair of accomplishing his undertaking by force, he resolved to use artifice. To that end he proposed to the king of Sicily, to decide their quarrel by a treaty. William's apprehension of losing all his dominions, made him readily consent to be dispossessed of a part, in order to purchase peace of a competitor much more powerful than himself. By the treaty it was agreed the emperor should have the island of Sicily and William the kingdom of Naples. Pursuant to this agreement Henry came to Palermo, and was crowned. But whilst William was preparing to retire to his kingdom, Henry seized his person and ordered him to be conducted to Germany, where this unfortunate prince was deprived of his sight and castrated. Henry being thus without a rival, took possession of the kingdom of Naples, in spite of the endeavours of certain lords of Norman race to the contrary.

The emperor's affairs being thus prosperous, he sent for his empress, who was big with child though fifty-two years old. Her time of delivery being come whilst she was on the road, she staid at Gessi, a little town on the frontiers of Ancona, where she ordered all the women of the town, that had the curiosity, to be eye-witnesses of her delivery. To that purpose she caused a pavilion to be erected in the middle of the market place, where she was delivered of a prince called Frederic. From that time Henry kept possession of the two Sicilies till his death, which happened not before the year 1199.

This monarch left his son Frederic, aged eleven years, under the guardianship of his mother Constantia, who immediately caused him to be acknowledged king of the two Sicilies, and to be crowned two years after at Palermo. After that, he was invested by Innocent III. who was then pope. Constantia his mother dying three years after, left the guardianship of her son to Innocent, who governed the two Sicilies



illies by a cardinal during Frederic's minority. This young prince being arrived at fourteen years of age, married Constantia, daughter of Alphonso IV. king of Castile; and two years after was elected emperor by the opposite party to Otho of Saxony, whom the pope had excommunicated. He could not however prevail with Innocent to set the imperial crown on his head, the pope dreading it might be dangerous to the holy see, to raise to the empire a prince of the house of Suabia, which had been so troublesome to his predecessors. It was not till the year 1220, and after the death of Otho, that Frederic was crowned by Honorius III. Constantia his wife died two years after, leaving him a son called Henry; who in 1223 was elected king of the Romans. Afterwards he married Yolande, daughter of John de Brienne, titular king of Jerusalem, who died in 1228, leaving him a son named Conrade. In fine, in 1235, Frederic took for his third wife, Isabella of England, who died in 1241, having brought him two princes, Jordan and Henry, the first of which died a child.

Having mentioned this emperor's several marriages, the knowledge whereof is absolutely necessary, it is time to speak of his contests with the popes. Ever since Richard king of England quitted Palestine, the affairs of the Christians in those parts were in a very ill situation. The Saracens taking advantage of the coldness of the Europeans, with regard to the crusades, made great progress, and the Christians never thought of forming any fresh attempts against them. Honorius III. who sat in the papal chair in the beginning of the reign of Frederic II. desiring to retrieve the Christians losses in the Holy Land, published in the year 1224, a crusade, in which infinite numbers of people of all conditions engaged. An historian assures us, that above three thousand English took the cross for that expedition, of which Frederic was to be head, both as emperor, and as son-in-law to John de Brienne, titular king of Jerusalem.

Whilst all Europe was preparing for this undertaking, some disputes unexpectedly arising between the emperor and certain cities of Italy, retarded that prince's preparations; who was willing to see an end of these contests before his departure. Gregory IX. successor to Honorius, finding Frederic proceeded but slowly, in comparison of the other cruises, wrote him a letter, exhorting him to persevere in his pious resolution. He represented to him, that the success of the crusade depended on him, since the management was committed to his care:

Mean time, the croises of the several states of Europe repaired in multitudes to the Holy Land, expecting to be soon followed by their general. But Frederic chose rather to employ his forces against the revolted cities of Italy, than against the Saracens. Nevertheless, as he was earnestly pressed by the pope, he pretended to prepare indeed, and even went and embarked at Brindisi. But after being three days at sea, he sailed back, on pretence of a sudden illness, which he feigned to be seized with, as most historians affirm. This news reaching Palestine, above forty thousand of the croises who were gone before, returned in the same ships that brought them thither. The pope, enraged to see so fair an opportunity lost by the emperor's fault, as he pretended, publicly excommunicated him, and sent the bull of excommunication to all the princes of Christendom, to be published in their dominions. It is not however agreed by all, that the pope's severity to Frederic proceeded from the sole motive of religion. Some affirm, it was only a pretence to break the emperor's measures in Italy, in favour of the revolted cities, which were privately countenanced by the court of Rome. Be this as it will, it gave birth to a quarrel which occasioned innumerable calamities to Europe, and particularly to Italy. Frederic, incensed at the pope's proceedings took care to justify his conduct to all the potentates of Europe, by letters wherein the pope was severely handled. But he was not satisfied with so slight a revenge. By means of a powerful party in Rome, he expelled Gregory thence, and forced him to take refuge at Perugia. However, to show his illness was the sole cause of his delay, and that consequently the excommunication denounced upon him was unjust and rash, he set out the next year for Palestine. The progress of his arms in that country was so great and rapid, that in a short time he compelled the sultan of Egypt to deliver up Jerusalem. He would have pushed his conquests farther, if the knights hospitallers, who were gained by the pope, had not laid obstacles in his way, by their daily plots against him. On the other hand, Gregory, offended that the emperor regardless of his censures should dare to undertake the expedition before he was reconciled to the church, and without making, as he accused him, preparations suitable to so great an undertaking, renewed his excommunication, for two contrary faults. First, for too long deferring his departure. Secondly, for departing too soon. But the pope, not content with attacking him with spiritual, employed likewise temporal arms. He sent

John

## OF ENGLAND.

99

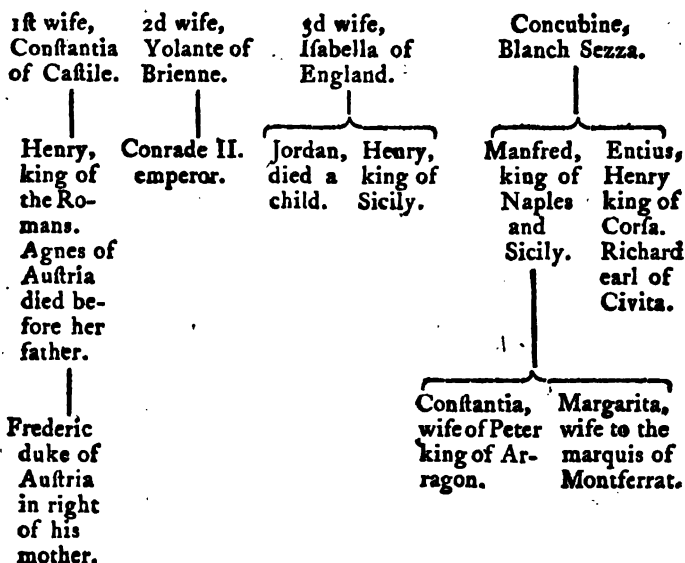
John de Brienne, father-in-law to Frederic, at the head of an army, into the kingdom of Naples, with the title of Vicar of the Holy See, to wrest from his son-in-law that part of his dominions.

The quarrel between the emperor and the pope still increasing, all the cities of Italy joined with one or other. Then were formed the two factions of the Guelfs and Ghibelines, which so long harassed that country, the former for the pope, the latter for the emperor. It will be needless to relate here the bloody wars that ensued. Wars, which frequently gave occasion to think, that zeal for religion was not the principal motive of the Roman pontiffs. It suffices to say, that Gregory's successors easily pursued his project of wresting from Frederic not only the Sicilies, but all Italy, and the empire itself. In fine, Innocent IV. having publicly deposed him in the council of Lyons, caused William earl of Holland to be elected emperor in his place. But, notwithstanding this pretended deposition, Frederic kept possession of the throne till his death, about the end of the year 1250.

To give a distinct notion of the affairs of Sicily, wherein England will presently be concerned, it may not be amiss to add here, part of the genealogy of the family of Frederic II. extracted from the history of Naples, by Giovanni Summonte:

## THE HISTORY

## FREDERIC II. Emperor.



The same day Frederic died, he made a will, and left Austria to Frederic his grand son, of which the young prince was already in possession, in right of his mother. To Conrade his second son, he gave the kingdom of Naples or Sicily on this side the Faro, upon condition, that if Conrade died without issue, his brother Henry, son of Isabella of England, should succeed him, and in case he died also without heirs, Manfred his bastard son should inherit. This Henry, son of his third wife, was to be king of the island of Sicily, and Manfred his natural son was to have the principality of Tarentum, with the regency of the two kingdoms, namely, of the first, in the absence of Conrade; and of the second, during Henry's minority.

As soon as Frederic was in his grave, Manfred would have taken possession of the kingdom of Naples, in the name of Conrade. But the pope's party were so powerful, when they had nothing more to fear from the emperor, that the principal cities, as Naples and Capua, shut their gates against him. This resistance forced him to call to his brother Conrade into Italy, who upon Frederic's death, assumed the title of emperor

emperor, though William earl of Holland was acknowledged by the pope and his party. Upon the arrival of Conrade, things had another face, and he made the Neapolitans often repent of espousing the pope's quarrel. Mean time, Innocent used all possible means to stop his progress. He thundered his censures against Conrade, as he had done against Frederic his father, and by aiding the Guelfs his adherents, he kept up the war in Italy, in expectation of a more favourable juncture. Here I shall end this long digression, which I hope will not be deemed needless, when we come to see how far England was concerned in this quarrel. But to return to our history,

The year 1251 was ushered in with the first instance of the clause of Non-obstante, in the orders of the king, in imitation of the pope, who had used it long since in his bulls. The bishop of Carlisle having a law-suit <sup>a</sup> with a certain baron of his diocese, and being obliged to go to France, obtained an order from the king, that the suit should be stopt till his return. But, during his absence, his adversary found means to obtain a second order from this clause, Non-obstante, or "notwithstanding the former order, the baron's cause should not be delayed <sup>b</sup>."

1251.  
First instance of the clause Non-obstante in the king's orders.  
M. Paris. p. 810.  
M. West.

Besides the principles of arbitrary power, instilled by Hubert de Burgh and the bishop of Winchester into Henry in his youth, and which he usually made the rule of his conduct, he had moreover another reason to induce him to have but little regard for his subjects. This was the consideration of the advantages gained by the earl of Leicester over the rebels of Guienne. Ever since the earl was governor of that province, he had served his master so faithfully, that in all appearance, he would have nothing to fear for some time, from the inconstancy of the Gascons. As Henry was soon daunted, so a very small matter sufficed to raise his courage. The chastisement of the Gascons making him imagine, their example would keep the English in awe, he fancied for the future he might use them as he pleased. Accordingly, without regarding the continual murmurs of the barons, on account of the preference given to foreigners,

Henry sighs the English.  
M. Paris.

<sup>a</sup> About a manor bought of a baron by the bishop's predecessor, which the baron would have recovered again. Mat. Paris.

<sup>b</sup> After this, those writs or orders, with that detestable addition of Non-obstante, became very frequent, which being observed by Roger de Thurkeby, one of the king's justices, he said with

a deep sigh, "Alas! what times are we fallen into! Behold, the civil court is corrupted in imitation of the ecclesiastical, and the river is poisoned from that fountain." Id. p. 811. This is the original and rise of Non-obstantes in the king's writs and charters. Tyrrel observes, that this is omitted by Dr. Brady.

Return of  
Guy de Lu-  
signan the  
king's half  
brother,  
whom he  
load with  
presents.

he affected to receive, with excessive civilities, Guy de Lusignan his half brother, whom the earl of Leicester brought with him, when he came to acquaint him with what was done in Guienne. He made him such considerable presents, that they would have appeared extravagant, even though he had abounded in riches. These things caused the barons to redouble their complaints. They could not bear that the king should give so many marks of his affection to foreigners, whilst he slighted his own native subjects.

Interview of  
the kings of  
England and  
Scotland.  
Act. Publ.  
T. i. p. 466.  
Alexander  
marries the  
princess  
Margaret.  
C. Melros.  
Henry  
presses him  
to do ho-  
mage for all  
Scotland;  
which he  
refuses.

Henry's wants, and his little prospect of drawing a supply from the parliament, made him forget his expedition to the Holy Land. But, on a sudden he was admonished by a letter from the pope, that it was time to perform his vow. He was then at York, celebrating the nuptials of the princess Margaret his daughter, with the young king of Scotland<sup>c</sup>. This wedding was not the sole motive of his being at York. As the prince his son-in-law was very young, he hoped to persuade him to do homage for the whole kingdom of Scotland. He was very urgent with him, but the young prince excused himself very handsomely. He represented to him, that he was come to York to be married, and not to debate an affair of that nature, liable to many difficulties, and upon which he could determine nothing, without consulting the states of the kingdom. However, he did the customary homage for the lands held of the crown of England<sup>d</sup>. Whether Henry thought his pretensions were not well grounded, or was unwilling to disturb the nuptial feast, by insisting on his demand, the affair went no farther. We shall see in the next reign, that these same pretensions were the ground of a bloody war between England and Scotland<sup>e</sup>.

1252.  
The king  
extorts  
money from  
the Jews.  
M. Paris.

This interview ended to the satisfaction of the two kings, Henry seemed willing to prepare for his voyage to the Holy Land. As money was the most necessary preparation, he took this occasion to extort great sums from the Jews nor were his christian subjects less spared. But what could be obtained by these means, was not sufficient to enable him to make an expedition to the east, worthy a successor of Richard, whose memory was still fresh among the Saracens.

<sup>c</sup> On Christmas-day, king Alexander III. was knighted by Henry, and married early next morning. Mat. Paris.

<sup>d</sup> For Lothian and other lands. Mat. Paris.

<sup>e</sup> This year part of Wales was wholly subdued, and received the English laws,

and that part of it which borders upon Cheshire was committed to the government of Alan de Zouche, who answered to the king eleven hundred marks a year. Id. p. 816. — This year also, February 17, a parliament was held at London. Id. p. 814.

Whilst the king was employed in preparing for this pre-<sup>The Gascon.<sup>s</sup></sup> tended voyage, there came deputies from the Gascons, com-<sup>complain of</sup> plaining of being unjustly oppressed by the earl of Leicester. <sup>the earl of</sup> The earl hearing of these complaints, went to the king to <sup>Leicester,</sup> justify himself, and denied whatever was laid to his charge: <sup>who vindicates him-</sup> Adding, he could not but wonder, that the king should give <sup>self.</sup> ear to the frivolous complaints of the rebellious Gascons, <sup>M. Paris.</sup> against one that had served him so faithfully, and spent all his estate in a post where others were wont to enrich themselves. Henry replied, he gave no credit to the accusations; <sup>But the king</sup> on the contrary, to make his innocence the more conspicuous, <sup>sends com-</sup> he was resolved to send commissioners into Guienne<sup>f</sup>, to <sup>missioners</sup> take informations concerning the behaviour of the Gascons. <sup>into</sup> Mean time, to convince him, that these accusations had made <sup>Guienne.</sup> no ill impressions on him, he furnished him with money, <sup>Act. Pub.</sup> and ordered him to prepare to return to Guienne. <sup>T. i. p. 474.</sup>

Before the earl was ready to depart, the Gascons being <sup>The arch-</sup> informed of the king's design to send him back, deputed the <sup>bishop of</sup> archbishop of Bourdeaux, to renew their complaints. Whilst <sup>Bourdeaux</sup> the archbishop was at London, the commissioners that were <sup>renews the</sup> sent to Guienne, returned<sup>g</sup>. They reported, that indeed the <sup>charge a-</sup> earl of Leicester had treated a little severe some lords of that <sup>gainst Lei-</sup> country; but however, had only used them according to <sup>cester.</sup> their deserts. Though Leicester was fully cleared by these <sup>M. Paris.</sup> reports, yet the king was persuaded by the archbishop of Bour- <sup>p. 836.</sup> deaux that if the earl returned to Guienne, nay, if he was <sup>The king</sup> not <sup>resolved to</sup> shed, that province would be irrecoverably lost to <sup>sacrifice.</sup> the crown of England. This notion was so deeply imprint- <sup>him.</sup> ed on the king's mind, that to secure the allegiance of the <sup>Has him</sup> Gascons, he resolved to sacrifice their governor to their re- <sup>tried by his</sup> sentment. To that purpose, he ordered their accusation to <sup>peers.</sup> be brought before their peers, not questioning but he should have interest enough to get him condemned. Mean time, Leicester, though surprized at the king's sudden change, was not idle. He found means to gain prince Richard, the earl of Gloucester, and several other lords of great credit, who promised to support him. Upon this assurance he appeared in court, and vindicated himself with such strength and evidence, that the archbishop of Bourdeaux was at a loss how to maintain his accusation. Besides, whenever he offered to

<sup>f</sup> He sent privately Henry de Weng-  
ham to examine into his actions and  
behaviour. Id. p. 832.

<sup>g</sup> The earl of Leicester was gone over  
to Guienne, some time before the

archbishop of Bourdeaux's arrival, and  
upon news of this fresh accusation,  
speedily returned to England again. Id.  
p. 836.

speak in defence of what he advanced, he saw the principal lords always ready to back their friend's arguments. The king, perceiving the affair was like to end contrary to his expectation, could not help shewing his uneasiness, and even dropping some expressions very injurious to the party accused. As the earl of Leicester, not content with justifying his actions, boasted moreover of his services, and boldly called upon the king to perform his royal word, by rewarding him according to his promise, Henry sharply replied, "He did not think himself obliged to keep his word with a traitor."

**The king  
calls him  
traytor.**

He gives the  
King the life.

This answer had such an effect on the earl, who was in a passion before, that not considering he was speaking to his sovereign, he told him, he lied : " And were he not a king, he would make him eat his words." Then after some insolent expressions, added, " That it was hard to believe such a prince was a christian, or had ever been at confession." " Yes," answered the king, " I am a christian, and have often been at confession." " What signifies confession," replied the earl, " without repentance ?" " I never repented any thing so much," said the king, " as the bestowing my favours on one that has so little gratitude, and so much ill-manners." After this, he would have apprehended him, but finding the earl's friends were ready to oppose it, he was seized with fear, and durst not execute his design. Nay, he suffered them to speak in the earl's behalf, and without being revenged for the affront he had received, he was contented with a slight satisfaction, and was outwardly reconciled to him. However, the earl's insolence made so deep an impression upon his mind, that he could never look upon him without horror ; which is the less to be wondered at, because this doubtless is the only instance of a subject's giving his sovereign the lie to his face. For which reason one should hardly believe so extraordinary a fact, were it not unanimously attested by all the historians,

The king  
dur't not  
apprehend  
him, and is  
reconciled to  
him.

The earl is  
sent to Gui-  
enne.  
M. Paris.  
Prince Ed-  
ward invest-

How mortally soever the king hated the earl of Leicester, he sent him governor again to Guienne<sup>b</sup>, in order to remove him from England, where his credit was too great. Besides, he was apprehensive, the earl would obstruct his design of conferring Guienne on prince Edward his eldest son, which

h Matthew Paris says, the king told him upon going off, "That if he was such a lover of war, he might there find employment enough, and also a reward answerable to his merits, as his father had done before him." To

which the earl boldly replied, "That he would go over, and never return till he had entirely subdued the enemies, and reduced the rebellious subjects of an ungrateful prince." *Mat. Paris.*



was immediately done after his departure. The Gascons <sup>ed with</sup> overjoyed at this change. As they had no longer the same <sup>Guienne,</sup> reason to fear Leicester who was going to be recalled, they laid <sup>M. West.</sup> so many snares for him, that he had liked to have been surprised. For his part, he made them frequently feel the effects of his resentment before he left the province.

The affront lately received from the earl of Leicester was <sup>Henry de-</sup> not the only thing that disturbed the king. He was still more <sup>mands a</sup> sensibly touched with the clergy's denial of a subsidy. As he <sup>subsidy of</sup> was convinced that a bare demand would be to no purpose, he <sup>the clergy.</sup> took care to have it supported by an express order from the court of Rome. Innocent alledging for pretence, that the <sup>Ast. Pub.</sup> king could not possibly proceed without an extraordinary aid <sup>T. i. p. 463-</sup> towards his voyage to the Holy Land, commanded all ecclesiastics to pay him the tenths of their revenues for three years<sup>1</sup>.

The clergy being assembled on this occasion, three or four bishops gained by the king, and particularly the bishop of Winchester his half-brother, voted in his favour. But the bishop <sup>They peti-</sup> of Lincoln strenuously opposed it, and got the majority to <sup>tion him.</sup> agree to petition the king, for his soul's health, to desist from his demand. The petition served only to exasperate the king, <sup>The king</sup> He sent them word to take care what they did, since they not <sup>threatens</sup> only opposed their temporal and spiritual sovereign, but also <sup>them.</sup> the universal church, and Jesus Christ himself. But without regarding these menaces, the clergy returned a very offensive

answer, by which they seemed to throw off all respect for him. <sup>Their reply,</sup> They upbraided him in very harsh terms, for his extortions, <sup>Ibid.</sup> tyranny, breach of promises and oaths, and then broke up, without waiting his answer, on pretence that both the archbishops being absent, they could do nothing without the consent of their primates<sup>2</sup>.

Henry perceiving he could obtain <sup>The king</sup> nothing from this assembly, tried to gain the principal mem- <sup>tries to gain</sup> bers by caresses. To that end, he sent for the bishop of Ely, <sup>them in pri-</sup> and causing him to be brought into his closet, received him <sup>vate, but in</sup> very graciously, in order to extort some promise from him. <sup>vain.</sup> But this prelate, who was no courtier, far from having any complaisance for the king, expressed himself very roughly. He plainly told him, it was a folly to engage in an expedition to the Holy-Land, and that he ought to take warning by the

<sup>1</sup> Not according to the ancient valuation of their preferments, but according to a new and exact valuation that was to be taken of them. Mat. Paris.

<sup>2</sup> The archbishop of Canterbury was beyond sea, and the archbishop of York

was absent for a reason then unknown. Matthew Paris has given the bishop's representation of the grievances committed by the king, at length, which the curious reader may see under the year 1252. p. 849.

unfortunate example of the king of France, who lay languishing in the hands of the infidels. Henry finding, contrary to his expectation, the bishop assumed the air of a counsellor, had not patience to hear him any longer, and commanded him to be gone out of his presence<sup>1</sup>.

Mutual animosity between the king and his subjects.

As the persisting of the English in refusing money, provoked the king, and made him place still greater confidence in the Poitevins, so the continual favours he heaped on the foreigners quite alienated the barons from him. It was therefore almost impossible but these mutual discontents should produce in the end very fatal effects, as it afterwards happened. It is even a wonder that the rupture between the king and the barons did not sooner break out. Animosity was come to that height, that as he had no regard for his subjects, they, on their side, used as little ceremony in their complaints against his male-administration. The Londoners were of all the kingdom the most incensed, by reason of the frequent exactions laid on them. But they had soon fresh cause to complain of a tax of twenty marks of gold, imposed on the city by the king. This imposition was inconsiderable, and concerned the city of London only. However, the whole kingdom murmured at it, as flowing from an arbitrary power, of which they dreaded the consequences. But however, a few days

The king oppresses the Londoners. M. Paris.

<sup>1</sup> The king ordered his officers to turn him out of doors for an ill-bred fellow as he was. Mat. Paris, p. 858. Nor did the king come off better in an encounter with the widow countess of Arundel, who waited on him about her right to a certain wardship, which the king challenged by reason of a small parcel of land held in capite. When the countess saw she could not prevail upon him, she thus boldly accosted him: "My lord the king, why do you turn your face from justice? for no body can obtain any right in your court: you are placed between God and us, but you govern neither your self nor us, as you ought: are you not ashamed, both to oppress the church and disquiet the nobles of your kingdom?" The king knitting his brows answered, "What do you mean, lady countess! have the great men of England commissioned you to be their advocate?" but she (though young) did not answer like one, "Not so (Sir), the nobles have not made me any such charter, though you have broke that which you and your

father have granted, and sworn in, violably to observe, and for which you have so often extorted money from your subjects: where are the liberties of England so often reduced into writing? so often granted, and so often redeemed? therefore I, though a woman, with all your natural subjects, do appeal from you to the tribunal of God, the great and terrible judge, and let him revenge us." At which reply the king was confounded and held his peace, because his own conscience told him she spoke no more than the truth. So he only said, "Did not you ask a favor because you were my cousin?" To whom she replied, "Since you have denied me right, how can I expect any favor?" The king thus reproved said no more, and the countess went away without taking leave, and without any other satisfaction than that of having freely spoken her mind. Mat. Paris, p. 853. Brady has omitted this and some other of Mat. Paris's relations of this kind.

after,

after, the king without troubling himself to please the Londoners, commanded them to shut up their shops, during Westminster fair, which lasted fifteen days. This innovation, being deemed a manifest breach of the privileges of the city, caused loud murmurs among the inhabitants, and a resentment, the effects whereof became visible upon the first opportunity.

Never did prince so ill time all his undertakings as Henry. He attacks Leicester again, but in vain. Id. p. 852. Whereas every one endeavours to make use of seemingly favorable junctures, Henry had a very particular talent to form all his projects at the most improper seasons. He was not ignorant that the nobles were dissatisfied, and in a sort of combination to protect the earl of Leicester. He had just given the clergy a fresh cause of disgust, by procuring a bull to absolve him from his oath, and entirely alienated the hearts of the Londoners by the violation of their privileges. At this juncture however it was, that he undertook once more to have the earl of Leicester tried by his peers, whom he convened for that purpose. Accordingly this affair ended greatly to his dissatisfaction. Far from condemning the earl, the barons said openly, that the king had done him very great injustice, in giving Guienne to prince Edward before the term of his government was expired, and without making him any amends<sup>m</sup>. This declaration, which probably was going to be followed by some ungrateful resolution to the king, made him dissolve an assembly which seemed so little inclinable to favour his designs.

Thus this weak prince, by an unsteddy and capricious conduct, increased the enmity of his barons, which of all things he ought to have dreaded, had he been wise enough to take warning by his father's unhappy example. Continually beset with indiscreet and greedy foreigners, who minded only their own interests, he saw nothing but as represented by his ministers, who made him believe, that as long as he was supported by the court of Rome, he need not fear the vain efforts of his subjects. These counsels induced him perpetually to countenance the extortions of the pope, and the avariciousness of his relations and ministers, to whom he was always making presents with incredible profuseness. It was thus he spent the clear revenues of the crown. By this management, so little consistent with his own interest, he kept himself always poor, whilst his relations, his counsellors, and the pope's

<sup>m</sup> The earl of Leicester had then three years and an half yet to come in his charter, by which the government of that country was committed to him. *Mat. Paris.*

Therevenue  
of foreign-  
ers exceeds  
that of the  
crown.  
M. Paris.

creatures, were enriching themselves at the expence of his subjects. The bishop of Lincoln desiring to open his eyes, caused an exact account to be taken this year of the annual income enjoyed by the foreigners in England. It was found to amount to above seventy thousand marks, when the revenue of the crown at the same time scarce exceeded a third part of that sum. To this we may add another particular, to shew the easiness of this prince, and the greediness of his ministers. Mansel, one of his favourites, a clergyman, enjoyed no less than seven hundred ecclesiastical preferments at once, which brought him in yearly four thousand marks.

Affairs of  
Sicily.

Ast. Pub.  
T. i. p. 476.

Innocent  
offers Sicily  
to prince  
Richard.  
M. Paris.

Whilst these things passed in England, the emperor Conrade, and pope Innocent IV. continued their wars in Sicily, but to the great disadvantage of the pope, whose spiritual arms were of little force against a prince that despised them. As the pope found he was too weak to compass his ends, he imagined that by offering the crown of Sicily to some rich prince, he should easily persuade him to supply whatever was necessary for the conquest. Of all the princes in Europe on whom he cast his eyes, he saw none better qualified to embark in this undertaking than Richard earl of Cornwal, brother to the king of England. Besides that this prince was master of a large estate, which he knew how to manage better than the king his brother, it was very likely he would be dazzled with the lustre of a crown, that of England seeming to be too remote from him, as the king had two sons. This resolution being taken, Innocent dispatched Albert as his nuncio, to offer him the crown of Sicily, on condition he would wrest it from the sons of Frederic. Richard rejected not the proposal; but insisted on certain previous articles, which the pope did not relish. I. That the conquest of Sicily should be carried on at his and the pope's joint charges. II. That Innocent should deliver him up certain places in the kingdom of Naples, as well for his security, as to serve for magazines. III. That he should give him hostages for the performance of his word. These terms agreed not at all with the pope's designs. He was in hopes Richard, deeming the bare grant of Sicily as a singular favour, would engage to supply what money was necessary for the conquest, and rely on the word of him that made him so noble a present. But when he saw the prince was not willing to be his dupe, and seemed to understand his own interest too well, he dropped the project, and recalled his nuncio. This negotiation not having the desired effect, he was obliged to continue the war at his own expence,

Richard's  
terms not  
relished by  
the pope.

Negotiation  
is broke up.

experience, till he could engage in the undertaking a more easy and less wary prince.

Henry thought he had prevented the revolt of the Gascons by removing the earl of Leicester from the government of Guienne. But it was not long before he perceived, the vigilance of that earl, which they considered as an insuperable obstacle to their pernicious designs, to be the real motive of their complaints. Leicester had no sooner resigned his patent<sup>a</sup>, but a plot was discovered in Guienne, to deliver that province to the king of Castile. Though that prince had never before made known his pretensions to Guienne, when he saw his party strengthened by the earl of Leicester's retreat, he began openly to declare himself. He pretended a grant of that country from Henry II, confirmed by Richard and John. It is true indeed, these charters were never produced. But he had artfully persuaded some discontented lords, that they were in his hands. Upon this foundation, he formed in Guienne a powerful party, of which Gaston de Moncade, viscount of Bearn, was head. It is very likely, Henry's want of courage inspired the king of Castile with the thoughts of becoming master of Guienne upon this frivolous title. At least, he believed he had reason to hope, that either by arms, or treaty, he should procure some part of that province. Be this as it will, these pretensions, though apparently very weak, raised commotions in Guienne, which made Henry often repent of removing the earl of Leicester. In short the malecontents, aided by the king of Castile, made such progress, that Henry was forced to go in person to save the country. But there was occasion for money, and it was in vain to allege the war in Guienne, to procure any from his subjects, who were too much dissatisfied with all his warlike expeditions, to be prevailed upon by that consideration. It seemed therefore more expedient to keep to his old pretence, namely, his voyage to the Holy Land, because religion was therein concerned. As soon as the parliament, called upon that account, was met, the king demanded a large sum to enable him to accomplish his vow. He represented, that having been hitherto under an impossibility of undertaking the voyage, the christians of Palestine must have been great sufferers by these delays.

Though the barons were fully convinced, the king did not intend to go to the Holy Land, they were afraid however of

Secret practices of the Gascons. M. Paris.

The king of Castile pretends to Guienne.

A& Pub. T. i. p. 496.

Henry is forced to go thither. A& Pub. T. i. p. 497. &c. 497.

He demands an aid to go to the Holy-Land.

The aid is granted on condition.

<sup>a</sup> The king bought out the remainder of his term (which was three years,) and gave him security for the money.

Mat. Paris.

giving

the charters  
are kept.  
M. Paris.

The king's  
reply to the  
deputies of  
the parlia-  
ment.

An aid is  
granted.  
M. Paris.

Excommu-  
nication so-  
lemnly de-  
nounced  
against the

giving him some advantage, in case they refused the supply de-  
manded on so plausible a pretence. They resolved therefore  
to grant an aid, but clogged with conditions, from whence  
they expected some benefit, whether the king executed his  
project, or, as was suspected, applied the money to other  
uses. This resolution being taken, they sent deputies to him  
with their answer, the substance of which was, that in case  
he would leave to the churches the freedom of elections, and  
sincerely observe the king his father's charters, they would  
do their utmost to content him. Henry, who expected this  
message, was prepared with an answer. He told them, he  
owned that on certain occasions he had carried the preroga-  
tive royal a little too far; but was firmly resolved never to  
be guilty of the like fault again. Adding, they might be as-  
sured, the charters of king John should be punctually kept.  
Then addressing himself to such of the deputies as were of  
the clergy\*, he bid them consider, that among the prelates  
who then governed the church of England, there were few  
but what were promoted to their dignities, by means of that  
prerogative royal they complained of. He asked them, whe-  
ther they themselves, at the time of their elections, would  
have wished for that freedom they now so earnestly demanded?  
He continued to say, since they desired him to correct what  
was amiss in the government, they themselves ought to set  
him a good example, and resign their bishoprics and abbies  
acquired by illegal ways, and he promised them; their places  
should be filled with none but persons of learning and probity.  
The prelates being confounded at this sharp reproof, had no-  
thing to reply, but "That the business at present was not to  
redo what was past, but to prevent the like evils for the  
future." As the king's sole aim was to draw money from  
the parliament, he did not push matters any farther. Content  
with having a little mortified the clergy, he said, he was ready  
to join with the parliament in all necessary measures to redress  
the grievances. Upon these assurances the clergy granted him  
the tenths of their revenues for three years, and the barons,  
three marks of every knight's fee held immediately of the  
crown.

The king's promise to observe the charters, was too express  
not to be executed. Accordingly, without any solicitation,  
he convened, in the great hall of the palace of Westminster,  
an assembly, at which were present all the lords spiritual and

\* They were all of the clergy, viz. The archbishop of Canterbury, and the bishops of Carlisle, Salisbury, and Ethel-  
mar bishop elect of Winchester, who were sent by the bishops and all the prelates, says M. Paris.

temporal,

temporal, with lighted tapers in their hand. The king would not hold one, saying, he would lay his hand upon his heart, during the whole ceremony, to show he sincerely consented to what was going to be pronounced. Then the archbishop of Canterbury standing up before all the people, denounced a terrible curse against all, that for the future, should oppose directly or indirectly the observance of the two charters; and likewise, against those that should any way violate, diminish, or alter the laws and constitutions of the kingdom.

violators of the charters.  
M. Paris.  
p. 886.  
An. Bart.  
p. 323.  
Act. Pub.  
T. i. p. 489.

This anathema being denounced, the two charters were read aloud, and confirmed by the king, who held his hand all the while on his breast. This done, every one threw down his taper upon the ground, and wished that those who violated the charters might thus smoke in hell.

Who would not have thought that the king's assent to a curse so solemnly denounced, was an undoubted proof of his intent religiously to keep his promise? Perhaps he really intended it when he laid his hand upon his heart. However, the parliament was no sooner dissolved, but he contrived all possible means to break through it. Besides that he was naturally inconstant, and not over scrupulous, it is said, he was persuaded to this resolution, by some of his favourites, who told him he would be but the shadow of a king, as long as these charters were in force. But as they perceived he was restrained by the consideration of his oath, they advised him to apply to the pope, intimating, that for two or three hundred marks it would be easy to get it annulled. This weak prince, who generally followed the most pernicious counsels, embraced this immediately. It was agreeable to his inclinations, and that was sufficient to cause him to trample upon what honour and religion required of him, and to hinder him from reflecting on the consequence. But, if it be strange, this prince should so little regard his word and oath, there is no less reason to be surprized, that such principles should be authorised by the common practice of him who styles himself Christ's vicar.

Henry contrives to break through his engagement.  
M. Paris.

Mean time, Henry laid out, in the preparations for the war in Guienne, the money granted by the parliament for the voyage to the Holy Land. When all was ready, he came to Portsmouth, where his troops were ordered to meet him.

He sets out for Guienne.  
Id. p. 208.  
An. Waverl.  
T. Wikea.

And said after all was performed, "So may God help me, I will inviolably observe all these things, as I am a man, as I am a christian, as I am a knight, as I am a crowned and anointed king." Mat. Paris seems to intimate only the bishops had tapers in their hands, for he makes the king say he would not hold one, "Because he was no priest." p. 867.

Then

Then leaving the regency to the queen and prince Richard, he set sail attended by a great number of lords, who being his military tenants, were obliged to that service. Upon his arrival at Bourdeaux, he headed his army and besieged Reole castle, then in the hands of the rebels. As they depended upon the king's usual indolence, they neglected to fortify the places they had seized. By which means he easily became master not only of this but of all the other castles that were in their power. Mean while, the king of Castile neglecting to support his adherents, Henry imagined he waited for his departure to raise fresh commotions in the province, and was afraid that would be always the case; This belief made him very uneasy, because, to prevent his enemy's designs, he saw himself obliged to keep a standing army in Guienne, without having wherewithal to maintain it. To free himself from this difficulty, he dispatched an ambassador to Spain, with orders to propose a marriage between Edward, his eldest son, and Eleanor, sister of Alphonso king of Castile. Alphonso found there was no likelihood of his becoming master of Guienne, since the arrival of the English succours: besides, he considered the marriage proposed was very advantageous for the princess his sister. Accordingly, without much sollicitation, he agreed to it, and resigned to prince Edward all his pretensions to Guienne<sup>1</sup>. This affair was transacted with great secrecy, Henry intending to use the pretence of the war to obtain a fresh supply from the parliament. Mean time, the earl of Leicester, who was retired into France<sup>2</sup>, finding Henry engaged in a war with the Gascons, levied some troops at his own charge, and came and offered his service. The arrival of the earl, and the report of a private treaty between Alphonso and the king, frightened the rebels, and caused them to return to their Allegiance.

**Demands**  
Eleanor of  
Castile in  
marriage for  
prince Ed-  
ward.  
Act. Pub.  
tom. i.  
p. 491.  
M. Paris,  
The match  
concluded.

**Arrival of**  
Leicester  
with offers  
of service.  
The Gascons  
submit.

**1254.**  
Henry tries  
in vain to get  
money from  
the parlia-  
ment on  
pretence of  
the war in  
Guienne.  
M. Paris.

Mean time, Henry pretending to fear the attacks of the Castilians, sent orders to the queen to summon a parliament, and demand an aid. But this attempt did not answer his expectation. The parliament having intimation of the treaty with Spain, replied, all the barons would be ready to serve the king with their lives and fortunes, upon the first news of his being invaded by the Castilians. This was not what the king wanted. However, as he thought the treaty of Burgos

<sup>1</sup> The bishop of Bath and John Mansel his special chaplains, were the agents in this affair, and brought back a charter sealed with a golden seal; which is now to be seen in the king's archives in the old Chapter-house at Westminster, and

is inserted in Rymer's Fœd. tom. i. p. 531.

<sup>2</sup> Where it is said he generously refused the offer of being high steward of France, Mat. Paris.



was yet a secret, he wrote to the queen and prince Richard, that he was extremely embarrassed, having received certain advice that the king of Castile was preparing to invade Guienne with a numerous army of Moors; and therefore he commanded them to press the parliament to grant an aid answerable to his necessities. But the news of the treaty with Alphonso being confirmed by the earl of Leicester, who was returned into England, the queen durst not press the parliament upon so frivolous a pretence. Henry being thus disappointed, was forced to send orders to the prince his brother to extort money from the Jews at any rate. Richard discharged his commission with such rigour, that by his oppressions he reduced the miserable Jews to desire leave to depart the kingdom: but even that being refused them, they were forced to pay the king a greater sum than ever.

He extorts money from the Jews.  
M. Paris.

As soon as the queen had notice that her son's marriage was concluded, she hastened to Bourdeaux with Edward and Edmund her sons, and the archbishop of Canterbury. Immediately after her arrival, prince Edward was sent in great state to Burgos, where he married the infanta Eleonora, and in a few days set out again with his bride for Bourdeaux, where the king and queen waited for them. During their stay in that city, the king confirmed by a new patent the grant of Guienne to the prince his son, to which he added Ireland and the sovereignty of Wales\*. Henry having nothing more to do in Gasconne, prepared for his departure: but to avoid the fatigues of the sea, he desired leave of the king of France, who had purchased his liberty of the infidels with a great ransom†, to pass through his dominions and embark at Roulogne. Lewis not only very courteously granted his request, but met him at Chartres, and conducted him to Paris, where he entertained him eight days‡.

Marriage of prince Edward.  
M. Paris.  
p. 280, 290.  
M. Warton.

Henry made his entry into London with extraordinary pomp, and received from the city a present of a hundred

He extorts money from London.  
M. Paris.  
p. 302.

\* And likewise the city and towns of Bristol, Stanford, and Grantham. Mat. Paris. Before the king's return, upon stating his accounts, it appeared that the expence of his expeditions amounted to twenty thousand seven hundred pounds, besides lands, wardships, etc. given to foreigners; and thirty thousand and two hundred marks spent upon his Poitevin brothers. Being told, says Matthew Paris, of this great expence by one about him, he replied, "Oh, for the head of God, say no

"more of it, lest the very relation  
"make men stand amazed."

† Four hundred thousand lives.

‡ Henry was attended by a thousand brave horse with noble riders, and there were with him his own queen and his sister the countess of Corawal, who were met by the queen of France and her sister the countess of Anjou: thither came also the old countess of Provence, mother to all these ladies. Mat. Paris.

pounds sterling, which the Londoners were wont to give on the like occasions; but as he did not seem satisfied, they gave him moreover a rich piece of plate of exquisite workmanship, with which he was content. This did not hinder him however from embracing an opportunity a few days after to draw from the city a more considerable sum: a certain priest, accused of murder, escaping out of Newgate, where the bishop had confined him, the city was amerced in no less than three thousand marks as a punishment for its neglect. This sentence was deemed the more unjust, as it was proved by good evidence that the bishop's officers themselves favoured the prisoner's escape.

Affairs of  
Sicily.

Conrade  
takes Naples

Murders his  
brother  
Henry.

Henry re-  
fuses the of-  
fer of the  
two Sicilies.  
M. Paris,  
p. 892.  
M. West.

Conrade ac-  
cused of his  
brother's  
death.

He is poi-  
soned by  
Manfred.  
M. Paris,

I left the emperor Conrade and pope Innocent very hotly engaged in war. The pope at length departed from Lyons to repair to Genoa, from whence he designed to go and relieve the city of Naples, closely besieged by Conrade. But this resolution being taken too late, the emperor had time to make himself master of the capital, and afterwards of all the rest of the kingdom. This fortunate success inspired him with the thoughts of seizing likewise the island of Sicily, and, if certain historians may be credited, he accomplished this design by a notorious treachery: it is said, that alluring to Melphi young Henry his brother, to whom Frederic II. bequeathed Sicily, he caused him to be murdered. This prince, says an historian of Naples, of all Frederic's sons was the worthiest and most hopeful.

Before the death of the young prince, the pope, who saw his affairs in great confusion by Conrade's progress, dispatched Albrèt again to England, to offer the king the crown of the two Sicilies; but Henry rejected this offer on the account of his nephew, whom he was unwilling to depose. Innocent not succeeding in this project, took occasion from the death of the king of Sicily to renew Conrade's excommunication, whom he charged with the murder of his brother. But the emperor, whether he was innocent or thought it would be difficult to convict him of this crime, boldly denied it: nay, he wrote to the king of England, to acquaint with the death of the young prince, and to express his extreme grief thereat. This is not a proper place to examine whether his sorrow was sincere: it suffices to observe, that in case he were guilty of the murder, he did not long enjoy the fruits of his treachery; he died five months after, poisoned, as was said, by a physician bribed by Manfred his bastard brother. Far from suspecting the hand which gave him his death, he left the guardianship of his son Conradin to Manfred.

The

The death of Conrade in 1253, entirely changed the face of affairs in the two Sicilies. Manfred, under colour of acting for his pupil who was in Germany, formed the project of becoming master of the two kingdoms. But he found so many difficulties that he was forced to conceal his design till a more favourable opportunity. Mean time, Innocent, who then resided at Perugia, headed an army, and marched into the kingdom of Naples, where the people declared in his favour. Manfred himself, finding there was no opposing the torrent, went to him at Naples. When he came there, he so artfully dissembled that the pope, thinking him really in his interests, admitted him to all his councils, and confirmed to him the emperor his father's grant of the principality of Tarentum: Manfred finding himself thus in the pope's favour, began to contrive how to make it subservient to his designs. To that end he advised him to disperse his troops all over the kingdom, and backed his advice with two reasons, by which Innocent suffered himself to be ensnared: the first was, the necessity of easing the inhabitants of Naples, lest, being too much burthened, they should think of revolting: his other reason was grounded upon its being no less important to keep in awe the Germans left by Conrade in the country, under the command of two Bavarian princes. This stratagem succeeding to his wish, he turned to the two German princes, who probably were as easy to be deceived as the pope. By means of some secret emissaries, he intimated to them, that he was a friend of Conradin's, and only feigned out of policy to adhere to the pope: then he magnified the pope's forces in the kingdom, and advised them to go to Germany for recruits. What farther induced these two princes to follow his advice, was the assistance he gave them, that in their absence he would take care of their troops: he told them, he would undertake to engage the pope to furnish them with necessaries, in expectation of sending them back to Germany, and in the mean time would prolong the negotiation till their return. By this double advice Manfred weakened the pope's forces, by causing him to disperse them, and freed himself from the troublesome presence of the two German princes, keeping their troops to be employed upon occasion.

The army brought by Innocent into the kingdom of Naples, could not be maintained without a great expence, which he could not long bear. Apprehensive as he was that his troops would quickly disband themselves if he did not find money to pay them, he made a fresh attempt upon the king of England, and with better success than before. Under pretence of informing Henry of the circumstances of his nephew

Innocent IV.  
becomes  
master of  
the king-  
dom of  
Naples.

He is out-  
witted by  
Manfred.

Innocent  
offers Sicily  
for prince  
Edmund.  
A. D. Publ.  
tom. i.  
p. 502, 512.

Henry ac-  
cepts the  
offer.

M. Paris.

Act. Pub.  
vol. i. p. 511

The pope  
uses several  
means to get  
the king  
money.

the king of Sicily's death, he sent a nuncio, to offer him in his name the crown of the two Sicilies for prince Edmund his second son. He represented to him, that his scruples were no longer seasonable, since the death of the young king his nephew: that besides, he ought to consider this offer as a very particular mark of his esteem and affection, which any prince in Europe would think a great honour. In short, that a crown was a present to be accepted without much deliberation. These tempting offers had the desired effect: Henry, without consulting his brother or the parliament, from whom he was to expect the necessary aids for this undertaking, accepted this imaginary present with all thankfulness. From that moment he caused prince Edmund to assume the title of king of Sicily. After this unwary prince was rashly engaged in this affair, he had never the power or prudence to get clear of the snares laid for him by the pope on that pretence. Innocent told him, that with an inconsiderable sum of money he would have the satisfaction to see, in a short time, his second son on the throne; and a crown like that of Sicily was well worth taking some pains to obtain. Pleased with these flattering hopes, Henry readily sent the pope all his own money, all that the prince his brother would lend him, and all that he could extort from the Jews or his other subjects, by means of itinerant justices sent into every county. But this not sufficing to satisfy the pope, he was so very imprudent as to oblige himself, under pain of being excommunicated and deprived of the royal dignity, to pay all such sums as the pope should borrow for accomplishing their enterprize. Innocent, impowered in this unlimited manner, spared not his friend's purse. By borrowings, real or pretended, he engaged him so deeply, that his ordinary revenue could not possibly answer the expence. This put him frequently under a necessity of making such demands upon the parliament as rendered him daily more odious to his subjects. But he was so fond of this affair, that he regarded not the complaints and murmurs of the people, as long as he thought to find the necessary money for executing his project.

Innocent was very sensible it was not in the king's power to perform his engagements: but he hoped by using the plenitude of his apostolical authority to furnish him with means sufficient to get money from his subjects. The first of these means was a bull directed to the archbishop of Canterbury and bishop of Chichester, impowering them to borrow money of persons of all conditions in the name of the church of Rome, with orders to pay what sums should be thus raised into the king's

king's hands. It is easy to see the pope made use of the name of the church of Rome because he knew nobody would lend the king money, and because the church had it in her power to compel people, ecclesiastics at least, to lend their money, which the king could not do.

The voyage to the Holy Land furnished the pope with a pretence to grant the king two tenths upon the clergy. But withal he commanded the money to be deposited in a safe place from whence it could not be taken but by his orders. He pretended it was to prevent the king from putting it to any other use than the expedition to Palestine: but in reality these sums were designed for the projected conquest of Sicily. By a third bull he granted the king a twentieth part of the church's revenue in Scotland, provided the money could be raised without giving offence. Mean time, as he had himself engaged to contribute to the charges of this intended conquest, he promised to be answerable to prince Edmund for a hundred thousand French livres, half whereof should be paid upon his arrival at Lyons. A mighty contribution towards an enterprize of this nature! However, the obligation was clogged with this clause, "unless the pope should have occasion for the money himself for the defence of the holy see."

What care soever the pope took to procure the king money, he was afraid it would not suffice, or the king would vainly lavish away the treasure he should raise: for this reason he admonished him by a letter, to retrench all superfluous expences, not excepting those designed for pious uses, because the conquest of Sicily was above all works of charity. Though Edmund as yet enjoyed only an empty title, the king his father, blinded with the hopes instilled by the pope, considered this young prince as the real monarch of the two Sicilies. In this belief he caused him to give, by an authentic patent, to Thomas earl of Savoy, the queen's uncle, the principality of Capua, which, like the rest of the kingdom, was still in dispute between the pope and Conradin. But though the pope seemed to divest himself of this kingdom in favour of Edmund, he suffered him not however to dispose of any thing without his consent. There are in the Collection of the Public acts, several grants made by the pope in that kingdom to the marquis of Hoemburch his general, and others.

Whilst the pope continued his negotiations in England with all possible secrecy, for fear of alarming the Sicilians, Manfred the bastard was taking measures at Naples to procure the

Manfred  
aims at be-  
ing king of  
Sicily.

Oio. Sum.  
M. Paris.  
P. 979.

He quits the  
pope's court  
for murder.  
but appears  
not.

He beats the  
pope.

Innocent  
dies.  
Succeeded  
by Alex. IV.  
M. Paris.  
p. 897.  
A.C. Pub.  
tom. i.  
p. 524—536

1255.  
Alexander  
levies a great  
army against  
Manfred.  
A.C. Pub.  
tom. i. p. 550  
M. Paris.  
p. 906.

crown of the two Sicilies. He practised upon the German troops brought thither by the emperor Conrade, and secured the assistance of the Saracens who were very numerous in the two kingdoms. As soon as matters were ripe, he waited an opportunity to declare himself openly, and it was not long before one offered. Having killed a man that had affronted him at the pope's court, and being obliged to abscond, he was summoned to appear and take his trial. Upon his refusal, Innocent ordered his troops to march to the little town of Nocera, inhabited by Saracens, where the murderer was fled. This was a sufficient pretence for Manfred to assemble his friends, who were already prepared. With the succours that came to him from several parts, he met the troops that were marching against him, and attacking them with advantage, between Troys and Foggia, killed part and put the rest to flight. Innocent was much surprized at the defeat of his army, and to find upon his hand a fresh enemy, whom he designed his instrument to clear the kingdom of the Germans. This incident convincing him that Manfred had only amused him, he perceived, since the Germans joined with the bastard, it would be difficult to maintain himself in the kingdom with only his own forces. In this belief he repeated his instances to the king of England for men and money with an English general, threatening, in case of refusal, to give the crown of Sicily to another prince. But as this supply was yet very remote, the vexation to see his affairs in so ill a situation, threw him into a fit of sickness which laid him in his grave. Though most historians reckon above a year between the death of Innocent IV. and the election of Alexander IV. his successor, the Collection of the Public Acts of England plainly shew that Alexander IV. was elected a few months after Innocent's decease. And indeed we find there bulls of these two popes, dated the end of the same year 1254.

Alexander, following the steps of his predecessor, resolved to prosecute the war against Manfred, who, still concealing his designs, declared for Conradin, for fear of frightening away the Germans, of whom he stood in great need. As the pope had no less occasion for the succours from England, instead of menacing Henry, as Innocent did, he sent the bishop of Bononia, with a ring, to invest by that mark prince Edmund with the kingdom of Sicily. But whilst the legate was on the road, Alexander's affairs were entirely ruined. The pope borrowing money from all hands on the king of England's account, found means to draw together an army of sixty thousand men, and gave the command to cardinal Octavian Ulbaldini

Ulbaldini Florentinus, with orders to besiege Manfred in Nocera. The cardinal had for his lieutenant-general the marquis of Hoemburch a German, who had long served Innocent IV. but was now corrupted by Manfred. Upon the approach of this army to Nocera, the marquis, who watched an opportunity to engage Octavian in some false step, represented to him, that it was not only needless, but a lessening of his honour to employ so great an army against a paltry town: adding, the country adjoining afforded no forage, and besides it was plain Manfred could make no great efforts, since he kept himself thus immured. The ecclesiastical general, unexperienced in the art of war, looking upon the marquis as an able and faithful soldier, was easily persuaded to divide his army, on the false notion of his enemy's being afraid. He had no sooner committed this error, but Manfred sallied out of Nocera, and suddenly falling upon the army which was coming to besiege him, entirely put them to rout. The pope's loss in this action was so great, that he was forced to abandon the country; so Manfred easily became master of the two Sicilies, and was crowned at Palermo, after spreading a report that young Conradin was dead in Germany.

M. Paris.  
Act. Pub.  
tom. i. p. 547  
Gio. Sum.

Manfred de-  
feats the  
pope's army;

is crowned  
king of  
Sicily.

Though Alexander had no resource in Italy, he did not despair of restoring his affairs by means of the king of England, who little knew of the late revolution in a country where he was so much concerned. For the bishop of Bononia came to London, and, without mentioning what passed in the kingdom of Naples, or Manfred's coronation, invested prince Edmund with the two Sicilies. This was done with a solemnity that increased Henry's satisfaction: he was as much pleased with the ceremony, as if Edmund had been actually in possession of a crown. But if there were flatterers, who congratulated him upon this augmentation of glory, there were wiser people, who grieved to see their king become more and more the pope's dupe. Indeed it was easy to perceive he was engaging in an undertaking, which all the money in the kingdom would not suffice to accomplish.

The legate  
invests Ed-  
mund with  
the Sicilies.  
tom. i.

p. 550, 893.  
M. Paris.  
T. Wikes.

Henry had little reason to expect any great aids from his people, whom he had extremely displeased. Much less could he hope to gain the barons approbation of a project so rashly undertaken, without consulting those who alone could furnish him with means to come off with honour. Nevertheless, he demanded of a parliament summoned this year, an aid of money, with the same assurance as if he were labouring purely

The king  
demands an  
aid of the  
parliament.  
M. Paris.  
An. Burt.

King Henry sent to the pope upon that account fifty thousand marks, and engaged to send him two hundred thousand more. An. Burt.

for the good of the public. Though the parliament was unconcerned about the success of the affairs of Sicily, they thought however to reap some advantage from the king's necessities, by improving this opportunity to procure, in a lasting manner, the observance of the two charters. To that end, they told the king, they would grant him an aid, upon these two conditions; that the charters should be observed, and the justiciary, treasurer, and chancellor, nominated by the parliament, without being liable to be turned out but by the same authority. The king not thinking proper to agree to these terms, prorogued the parliament till Michaelmas.

Two conditions required.

The parliament prorogued.

The king's journey to Scotland, A. R. Pub. tom. i. p. 562. M. Paris. An. Bart.

Rustand the pope's nuncio comes into England with several bulls M. Paris. An. Bart.

In the mean time, Henry was obliged to take a journey into Scotland, on account of the queen his daughter, who complained of her hard usage from those that governed the kingdom, during the king her husband's minority\*. The presence of the king of England helped very much to settle the affairs of that kingdom, which began to feel the usual effects of a minority. He made but a short stay in Scotland, being impatient to return into England, where the affairs of Sicily called him.

The sums pretended to be borrowed by this, and the former pope, for the affair of Sicily, were so excessive, that the king saw it impossible to satisfy the creditors, real or feigned. Alexander was not ignorant of it, but reckoning the English, and particularly the clergy, were responsible for their sovereign, he used all imaginable means to draw money from the unfortunate kingdom, so much exhausted already. His first attempts were made by a nuncio, called Rustand, whom he furnished with several bulls, all tending to exact money from the clergy. The first produced by the nuncio, was an order to gather a tenth in England, Ireland, and Scotland itself, as well to the pope's as the king's use. This bull was expressed in terms which left the clergy no room to cavil. The pope laid this imposition on them, "Notwithstanding any former letters, indulgences, privileges, exemptions or other grants, under any form, and for what cause soever, and notwithstanding all objections which could be devised." A second bull gave the nuncio power to change the king's vow to go to the Holy Land, into that of undertaking the conquest of Sicily: a conquest, according to the pope, much more im-

\* Sir Robert de Ros, and Sir John Baliol, the regents, were accused of keeping the queen like a prisoner, and not permitting the king to enjoy her embraces. But Henry having fined the

governors, brought the king and queen together again, and put them into such a condition as they liked. Mar. Paris. Non obstantes.



portant than that of Jerusalem. Henry engaged in this new vow, by a solemn oath on the relics of St. Edward, as he had done with regard to the first. Moreover, the nuncio <sup>121a.</sup> ordered a crusade to be preached against Manfred as an enemy to the christian name, and promised the pardon for their sins to all that should assist the holy see against that excommunicated prince. The publishing of this crusade was of little consequence in England, but the effects were felt in Palestine, as it obliged the christians there, when they found the succours, intended for them, diverted to other uses, to conclude with the Saracens a truce for ten year.

The parliament, that was prorogued, being met, the king solicited in vain for a supply, he had taken care not to summon such of the lords as showed most steddiness in the last session. But from this very thing, the parliament took occasion to refuse his demand. They alledged that, according to the tenour of the great charter, they were not obliged to debate any business, unless all that had a right to sit in parliament we summoned. Henry, seeing little hopes of procuring any money from this assembly, dissolved them, and took other courses to attain his ends<sup>2</sup>. He would fain have borrowed once more of the prince his brother; but could not prevail. Richard was displeased that the king should rashly engage in this affair, without vouchsafing to consult either him, or the barons of the realm.

But what Henry could not do by his own authority, he tried to effect by the pope's help, who was the more ready to assist him, as his own interest was concerned. It may be said, that in this unhappy century, the court of Rome had lost all sense of shame. Of this, what I am going to relate, is a clear evidence, not built upon the testimony of a single historian, whose fidelity some have endeavoured to call in question, but upon the very bulls of Alexander IV. extant in the records of England, as printed in the Collection of the Public Acts. By the way, nothing can be more proper to confute whatever has been alledged to weaken the authority of Matthew Paris. than the harmony between the bulls and his history. What is more strange in the conduct of Alexander is, that he did not even employ in the war against Manfred, the excessive sums incessantly drawn from England under that pretence. If we compare together the histories of England and Sicily, we shall find, that when the

The parliament meets.  
M. Paris.  
p. 913.  
An. Burt.  
Refuses to give the king an answer;

is dissolved.  
Richard will not lend the king money.  
M. Paris.

p. 914.  
1256.  
Divers bulls to get money from England.  
An. Burt.  
M. Paris.  
p. 913, &c.

<sup>2</sup> During the last day's session of this parliament, there happened a very great quarrel between the king and the earl marshal, of which the curious reader may see an account in Mat. Paris.

**T. Wikes.** was draining England of money for the projected conquest; he suffered Manfred quietly to enjoy his crown, without using any effectual endeavours to dethrone him. Thus the conquest of Sicily was only the pope's decoy, to get large sums from Henry, upon the vain expectation of placing his son Edmund on the throne. In the Collection of the Public Acts, we find under the year 1255, divers bulls clearly showing with what greediness the Roman pontiff exhausted wretched England.

**Act. Pub. tom. i. p. 547.** In one of these bulls, he orders Henry to pay four thousand pounds to the bishop of Bononia, for the charges of his legateship, as if the court of Rome had no interest in the affair.

**Ibid. & p. 548.** In another, dated the same month, he confirms the change of the king's vow to go to the Holy Land, into that of an expedition to Sicily, to the end the money designed for a war against the Saracens, might serve to pay the debts contracted for the conquest of that kingdom.

**p. 549.** By one of the same kind directed to the archbishop of Canterbury, he makes, by his authority, the same change with regard to the vow of the king of Norway and his subjects. Then he commands them to send into England for the pretended expedition to Sicily, the money raised for the voyage to the Holy Land.

**p. 551.** A third enjoins all the English, who have received any money for their journey into Palestine, to pay it into the hands of certain commissioners, to be employed in the Sicilian expedition.

**p. 552.** Though he had before confirmed the change of Henry's vow, he granted him however, by a bull, the twentieth part of the clergy's revenue in Scotland, to be employed in the expedition to the Holy Land. This bull bearing date after that, whereby the king's vow was changed, must be considered as a real cheat, to make the Scots believe, their money should be expended in the war against the infidels.

**p. 553.** After this, by a subsequent bull, he absolves the Scots from their vow of going to the Holy Land, on condition they would send into England a certain sum, to be employed in the conquest of Sicily.

**p. 556.** He granted the same favour to the English, by a bull, dated in August the same year.

**p. 559.** Lastly, by another in October, he commanded the nuncio to compel the English prelates to pay the tenths granted to the king, for the payment of the debts contracted since his engagements with Innocent IV.

If the originals of all these bulls were not among the records of England, it would be hard to believe that Christ's vicar was so little of a christian, as to prefer his own private quarrel before the cause of God, for so the crusades against the infidels were then reckoned. Neither is it less strange, that Alexander should think of making the Scots and Norwegians, who lived in the utmost bounds of the north, contribute to the charges of his quarrel with the house of Swabia, about a kingdom situated in the most southern parts of Europe. But if what the historian adds be true, which how-  
 ever can scarce be doubted, it will be easy to perceive, that in order to raise money, there was no means, though never so unjust, but what were approved by this pope<sup>a</sup>. M. Paris

The sums borrowed in the king's name amounted, according to the pope's account, to one hundred thirty-five thousand five hundred and forty marks, principal money, besides interest<sup>b</sup>. Alexander was not ignorant that the king's revenue scarce sufficed for his necessary expences, and consequently it was impossible to take from thence wherewith to satisfy the pretended creditors. to help the king out of this strait, he caused him to allow, that all the extraordinary levies of money in his kingdom should be applied to that use, for which he undertook to find means himself to raise what sums they should want. It was not so much the purses of the people or barons, as of the clergy, that were to be drained. Besides that the clergy had most ready money, they more tamely submitted to the pope, than the people would to the king. Accordingly, to oblige the clergy to pay the greatest

<sup>a</sup> This year king Henry ordered by proclamation, that the great charter of liberties should faithfully and inviolably observed. But, as Mat. Paris, well observes, to what purpose were these proclamations, when the king and his great men set the rest of the nation so ill an example, by their frequent violations of it? p. 907.

<sup>b</sup> Besides fifty thousand more, in which the prelates stood bound to the pope, though without their own knowledge and consent. The words of Mat. Paris, upon this occasion, are these: "The sacred privileges of churches signify nothing; and though the pope has a power only for edification, and not for destruction, yet the tax upon the clergy, which was granted at first but for three, is now changed into five years; and formerly laymen paid tithes to the clergy, but

"now even the prelates are compelled to pay tenths to the laity: an aid was granted in succour of the Holy Land, and we are compelled to pay it, to fight against the christians of Apulia: a tenth was also granted by us to the king for the observation of the great charter, which notwithstanding is not kept; besides many other grievances then done to the clergy and church of Eng'land by the pope's means, though with the privacy and connivance of the king himself, too long to be here repeated." Which, as Mr. Tyrell observes, though omitted by Dr. Brady, yet may serve to let us see the sad condition of the people, where the prince, instead of defending them, gives them up for a prey to a foreign power. See Mat. Paris, towards the close of the year 1255. p. 918.

A strange means used by the pope to get money of the clergy.  
M. Paris.  
An. Burt.  
T. Wikes.

share of this debt, Alexander made use of a very extraordinary means, suggested to him by the bishop of Hereford. He caused a great number of obligatory notes to be drawn, whereby each bishop, abbot, or prior in England, acknowledged to have received of such a merchant of Sienna, or Florence, or some other place in Italy, the sum of —<sup>c</sup>, for the occasions of his church, and bound himself to repay it at such a time. This done, endeavours were used to constrain each to sign one of these notes, as if he had really borrowed the money. This was such an oppression, that it would be difficult to find an instance of the like among the most famous tyrants<sup>d</sup>.

1256.

To execute this design Rustand assembled all the prelates of the kingdom, and acquainted them with the pope's pleasure, that each should sign one of these notes, and bind himself speedily to pay the sum mentioned therein, under pain of excommunication. This proposal so surprized the prelates, that the bishop of London could not forbear saying aloud, "That he would lose his life rather than submit to so tyrannical an oppression." The bishop of Worcester said so much; and in fine, Rustand had for answer, "That the clergy of England would not be slaves to the pope." The nuncio complained to the king of this bold answer, intimating, that the bishop of London was the author of the clergy's disobedience. Henry, who was no less exasperated than the nuncio, fell into a great passion with the bishop, and told him, since he was afraid neither of his nor the pope's indignation, he should quickly feel the effects. This threat not being capable of daunting the prelate, he replied, "He was very sensible, the king and the pope were more powerful than he; but in case his mitre were taken from him, he would clap a helmet in its place." However, this firmness was not capable to make the nuncio give over his project. By the help of the bishop of Hereford, he sowed discord among the chief of the clergy, by caressing some, frightening others, and causing accusations to be brought against some, from whence he took occasion to excommunicate them. These censures were the more terrible, because, if within forty days they sued not for absolution,

<sup>c</sup> Five, six or (even hundred marks a-piece or more. Mat. Paris.

<sup>d</sup> This year, among other arbitrary gifts, the king took a tallage of five hundred marks from the citizens of London; and invaded all the possessions of Robert de Ros, a man of note. Mat.

Paris.—And also issued out a proclamation, that all who were worth fifteen pounds a year in land, should take upon him the order of knighthood; and that those who would not, should buy it off with money. Ibid.

which

which could not be obtained but by submitting to the pope's will, all their revenues were confiscated.

But what the king and pope extorted from private persons by these violent ways, could not amount to a sum sufficient to their occasions. There was a necessity of prevailing with all the clergy to sign the notes, otherwise it was not worth the while to commit such flagrant acts of injustice. Wherefore Rustand once more summoned the prelates upon this affair. But the absence of the archbishop of Canterbury, who was out of the kingdom, and the vacancy of the see of York, furnished the prelates with a pretence to desire a delay, which could not be refused them. They hoped that time would produce some favourable turn, to exempt them from paying the money demanded. But the conduct of the nuncio quite destroyed these hopes. He fell into a rage with those who raised any difficulties in the affair, and thought it very strange that the least opposition should be made to the pope's pleasure. Leonard, a deputy or prolocutor for the clergy, insisting on the injustice of the pope's demand, Rustand commanded him to say whether he spoke for himself, or in the name of the prelates. Then he wrote down the deputy's words, saying, he would inform the pope of his insolent expressions. Another clergyman willing likewise to speak a little freely of the matter, the nuncio told him in a furious tone, that if he had not a regard for the prelates, he would not leave him a hair on his head.

The delay granted the clergy being expired, all the prelates, with the archdeacons, the representatives of the inferior clergy, assembled at London. As they met purely upon this affair, Rustand renewed his instances the very first day. The clergy replied, by Leonard their prolocutor, that their poverty hindered them from consenting to the pope's demand, considering it was founded neither upon reason nor justice. The nuncio made answer, "There was no injustice in what the pope claimed, since, as all churches belonged to him, he could dispose of their incomes as he pleased." This extraordinary pretension was replied to by Leonard, saying, "Indeed all churches might be said in some sense to belong to the pope, but it was only that he should protect and defend them, and not appropriate them to his own use." In like manner, continued he, as we say in England, all things are the king's; yet no man ever imagined the king was proprietor of all the estates of his subjects: so with regard to the lands of the church, it can never be proved  
"that

“ that it was the intention of the founders to give them to the pope.” This reply did but still more exasperate the nuncio, who however thought not fit to dispute any longer. He contented himself with saying, in a menacing tone, “ Let every one speak for himself, that the pope may know who is for, and who against him.” This he said to frighten them: but his violent proceedings had a quite contrary effect. The prelates, full of indignation at this treatment, unanimously replied, they neither could, nor would submit to so unjust an exaction; that this was their last resolution, and they were ready to suffer death, in a cause much more just than that for which the blessed St. Thomas Becket endured martyrdom. The nuncio finding there was no prevailing by threats, grew more calm, and said, he would go himself and talk with the pope about the difficulties which occurred in the execution of his orders. The clergy sent likewise, in their name, the dean of St. Paul’s to acquaint his holiness with the reasons of their denial. To finish this affair, which I have no design to resume, I shall relate here what terms the clergy obtained from the court of Rome, after long solicitations. As the pope pretended, the sums in question were really borrowed for the service of the king and church, he ordered that each prelate should pay his share in proportion to his revenue; but that the money thus paid, should be deducted out of the tenths which should hereafter be granted to the king. After this decision, refusing to hearken to any thing further, the clergy were forced to pay money they had not borrowed, and to the payment wherof they were bound without knowing any thing of the matter.

The nuncio  
attacks the  
Cistercian  
abbots.  
M. Paris.  
P. 924.

Some time after, the nuncio convened all the abbot of the Cistercian order, and demanded one year’s revenue of their wool, to supply the occasions of the pope and the king. They answered, they could not grant such a demand, unless debated in a general chapter of their order. This reply not satisfying the Italian prelate, he fell into a passion, and swore, if he could not prevail with them in a body, he would so treat them singly, that they should be constrained to comply. He soon performed his threat. For slight or imaginary faults, he attacked them one after another, and caused them to be grievously fined. But this order had such powerful protectors about the pope. that the nuncio was commanded to desist.

AG. Pub.  
tom. I.  
P. 554.

The tyranny exercised by the court of Rome upon the clergy of England, was of so strange a nature, that the histo-  
rian

rian who relates all these facts, was afraid he should be suspected of inventing them, unless he produced an authentic proof. This doubtless, was his view, in inserting at large in his history one of Alexander's bulls, which shews, that nothing was done in the affair of the notes but by his express words. This bull, directed to Rustand, concludes with these words: "You shall take care to let the king know, that all this is our will and pleasure. Wherefore I set down in these presents, what each abbot and prior shall be bound to pay. The prior and monastery of Durham five hundred marks; of Bath four hundred; of Thorney, four hundred, &c.—Dated at Anagnia the tenth of the calends of July, in the second year of our pontificate."

*Bull of Alexander IV. which verifies what has been said about the notes, M. Paris. P. 934.*

Let us return now to the king, who was soliciting with no less earnestness for the aids demanded of the barons, to place the prince his son on the throne of Sicily. The archbishop of Messina was lately come from Rome, on purpose to second the king's demand with the pope's letters to the lords, exhorting them to give the king content. But the pope's eagerness, and the archbishop of Messina's pressing instances, proved quite contrary to their designs. For it was very visible, that the money was to be put into the pope's hands, otherwise he would not have taken such pains. Besides the parliament could not resolve to suffer troops to be sent into Italy, as the pope and the king desired, persuaded as they were, that it was exposing them to certain ruin. These considerations induced them to refuse the king the aid he demanded. To justify their denial, they presented an address, setting forth their reasons. I. The difficulty of the projected undertaking. II. The poverty of the nation. III. The dread of an invasion from the neighbouring states, if the forces of the kingdom were sent so far off. IV. This project was formed without the consent of parliament. V. Lastly, The condition annexed to the grant of Sicily, left the pope free to revoke it whenever he pleased, which was not reciprocal.

*The parliament refuses the king money. Ann. Burt.*

*Reasons for so doing. Ann. Burt. P. 371.*

The king was not satisfied with demanding of his parliament an extraordinary aid. He would have moreover the clergy stand bound for the sums, the pope pretended were still due to him\*, and consent that the tenths granted for three, should be continued for five years. These demands were so exorbitant, that the clergy could not resolve to comply with

*Henry will have the clergy bound for him. M. Paris. The clergy refuse;*

\* One hundred and thirty-five thousand marks principal, and five hundred and forty more for interest. Mat. Paris.

but yield at  
last.

them. But there was not the same regard for the spiritual as for the temporal lords. The pope no sooner spoke with an imperious tone, by the mouth of his nuncio, but the clergy tamely submitted, and gave the king the greatest part of his demands.

War with  
the Welsh.  
Act. Pub.  
T. i. p. 588.  
M. Paris.

How large sums soever were lately drawn out of the kingdom, Henry still continued his exactions, as well upon the citizens of London, as the rest of the kingdom. He made even the Welsh, whom he considered as his subjects, since they were become his vassals, feel the effects of his greediness. The oppressions they endured, on divers pretences, wearing out their patience, they had recourse to arms, and invaded the frontiers of England, from whence they carried away a great booty. Prince Edward would have chastised them, but it was not possible for him to raise a sufficient number of troops to stop their progress. The king's treasury was so exhausted, both by the pope and his own favourites, that not being able to furnish money for the war, he was forced to suffer the Welsh to plunder his borders with impunity. His fondness for his half brothers, and the queen's relations was astonishing. He was not satisfied with loading them with immense presents, which disabled him to defend his kingdom, but permitted them to oppress his own subjects, by forbidding the chancellor to issue any writs to their prejudice.

The king's  
profuseness  
to his half-  
brothers,  
and the  
queen's re-  
lations.  
M. Paris.

The pope  
presses the  
king for  
money.  
Act. Pub.  
T. i. p. 581.

Mean time the pope was not yet content with the vast sums drawn from England. He pressed the king continually to send him money, threatening to revoke the grant of Sicily, if he did not speedily perform what he had promised. Henry excused his not having yet sent away troops into Italy with an English general, because, instead of being able to defray this fresh expence, he could not accomplish the payment of the sums demanded by the pope.

Prince Ed-  
ward ratifies  
the con-  
tracts relat-  
ing to Sicily.  
B. p. 516.

But to satisfy him in some measure, he remitted him five thousand marks, and ordered prince Edward his son, who was to succeed him, to ratify the agreements relating to Sicily. In another letter on this occasion, he acquainted him, that the barons of the realm refused to subscribe to the terms that were required of him, thinking them somewhat unreasonable, especially since the affairs of Sicily were altered by the treachery of the marquis of Hoemburch. As soon as the pope heard that the nobles began to murmur, he thought it time to get all he could ex-

<sup>†</sup> These terms or agreements are to be seen at the end of tom. i. of the Public Acts, among those that were omitted. Razin,



peſt from England, plainly foreſeeing that the game he was playing would ſoon be at an end. For that purpoſe, he ſent into England a nuncio; John de Dia, with ſeveral bulls, all tending to procure money of the king, in order to pay the pope's pretended debts. By the firſt, he enjoined the biſhops punctually to pay the tenths granted to the king, notwithstanding all letters, indulgencies, or privileges whatever. In all appearance, the deduction which they were before allowed to make, was rendered of no effect by this clauſe. Another bull granted the king for his voyage to the Holy Land, from which he had already been exempted, all the revenues of the vacant benefices. By a third, he gave him the incomes of non-refidents. A fourth, granted him the tenths of all the eccleſiaſtical revenues of the kingdom, according to their extended value, whereas they were wont to be rated according to the antient taxations. A fifth, ordered Ruſſand to adjudge to the king the chattels of clergymen who died inteſtate. By a ſixth, he commanded the nuncio to tax all the eccleſiaſtics, of the kingdom, for the aid they were to give the king, notwithstanding all privileges granted by his predeceſſors, and all exemptions or objections whatever. A ſeventh, excommunicated all the prelates who ſhould not pay their tenths within ſuch a time. There were ſeveral others which it is needleſs to mention, ſince they all tended to the ſame end. The importunity of the creditors of Sienna and Florence ſerved always for a pretence of theſe oppreſſions. Though theſe debts ſhould have been overpaid by all the levies of money made in England on that account, they were like the Hydra, whoſe heads continually revived.

It ſeemed that in this unfortunate reign, a concurrence of malignant influences met in England, to impoveriſh the nation. Every thing contributed to their miſery, and events ſeemingly the moſt remote, were found at length to tend to the ſame end. William earl of Holland, and king of the Romans, being killed in a ſkirmiſh with the Friſons, the electors of the empire were divided about the choice of a new king of the Romans. Some, who were the majority, gave their votes for Richard brother to the king of England, and the reſt choſe Alphonſo king of Caſtile. Richard, more diligent than his competitor, went immediately to be crowned at Aix la Chapelle, and ſupported his right by his preſence in Germany, whiſt Alphonſo acted only by Ambaſſadors. However, Richard had no other advantage over his rival but that of being crowned: an honour, which coſt him ſo dear, that

The pope ſent a nuncio with divers bulls. Act. Pub. T. i. p. 593. 595.

p. 599.

Ibid.

p. 600.

p. 601.

p. 602.

p. 607.

1257.

Prince Richard choſen king of the Romans. Act. Pub. T. i. p. 617. 622. M. Paris. 937. T. Wike.

Alphonso would have been very sorry to purchase it at that rate. Richard is said to carry into Germany seven hundred thousand pounds sterling in ready money<sup>2</sup>, an immense sum in those days, which, added to what the pope had drawn out of the nation, made a very great scarcity of money. The meaner sort of people were great sufferers by it, because, the harvest not being very plentiful, they were not able to buy provisions, which were grown very dear<sup>3</sup>. All these evils moved not the king. Infatuated with his Sicilian project, he pressed the clergy for a fresh aid, that of the last year not sufficing, as he assured them, to pay his debts. As he expected to meet with great opposition from the prelates, he brought into the assembly prince Edmund his son, dressed in a Sicilian habit, imagining that, charmed like him with the sight, they would readily grant his demands. But this artifice would have been but of little force, had not the prelates been again awed by the nuncio, who compelled them by his threats to grant the king forty-two thousand pounds sterling.

Carries over  
into Germany  
a vast sum  
of money.  
T. Wikes,

The king  
extorts an  
aid from the  
clergy.  
M. Paris.  
P. 951.

Continuation  
of the  
Welsh war.  
M. Paris.  
T. Wikes,

Henry is  
beaten.

The king  
demands of  
France the  
restitution of  
Normandy.  
M. Paris.

To all the calamities England laboured under during the course of this year, must be added the war with Wales, which was vigorously carried on by the Welsh, and very faintly by England. Prince Edward, who undertook to chastise these turbulent people, was forced to retreat before them with some loss. Their daily progress obliged the king to march against them. But upon his approach, they retired to their mountains, having themselves laid waste their borders, and thereby prevented Henry from proceeding. But this was not all. When he imagined the Welsh at a distance, and seized with fear, they so effectually took advantage of his negligence, as to surprize him and cut in pieces a good part of his army; after which he thought only of retiring.

It must be surprising that at such a juncture, Henry should think of frightening the king of France. However, without considering his weak estate, he sent ambassadors<sup>1</sup> to him, to

<sup>2</sup> Mat. Paris says, he was so rich, as to be able to spend a hundred marks a day for ten years together. p. 942.

<sup>3</sup> The author of Walter of Coventry's Julius says, provisions were so scarce, that he himself saw the people fighting for the carcases of dead dogs, and other carrion, and to eat the wash that was set for the hogs. But Mat. Paris observes, that this was owing not so much to the scarcity of corn, as to the want of money, corn having

been several times dearer than it was now, and yet none died with hunger, as many did at this time.

<sup>1</sup> They were no less than the bishops of Worcester and Winchester, the abbot of Westminster, the earl of Leicester, Hugh Bigod earl of Norfolk, lately made earl marshal, Peter of Savoy, and Robert Waleran. It seems as if he did this on account of the king of France's scruples. Mat. Paris.

demand

demand the restitution of Normandy, and the other provinces in France taken from the English. It is not known, with what view, or from what motive he renewed this pretension, in so proud and haughty a manner, that one would have thought his affairs in the most flourishing condition, and that he was able to support this bravado. Lewis, who was better acquainted with his affairs than himself, forbore however to insult him, contenting himself with roughly denying so unreasonable a demand.

Mean time Rustand the Nuncio, who was gone to Rome for new instructions, soon returned into England, with power to excommunicate the king, if, pursuant to his engagements, he did not speedily undertake the projected conquest. Henry surprized at these menaces, and not knowing how to satisfy the pope, caused his son Edmund humbly to intreat him to make the terms more easy on which he had accepted the grant of Sicily. This petition proving of no great effect, Henry was at length forced to appoint ambassadors to go to Rome, and renounce, in the name of his son, the grant of this imaginary crown which had already cost him so dear. But this was not what the pope wanted. Far from receiving this renunciation, he sent a new nuncio named Arlot, empowering him to make some alteration in the grant. But without he ordered him to use his utmost endeavours, to engage the king more deeply by granting him some new favours, which cost him nothing, since it was always at the clergy's expence. For that purpose, he charged his nuncio to publish a new bull, enjoining the bishops to pay the tenths granted to the king, under pain of excommunication, "notwithstanding all objections, all appeals, and all letters obtained or to be obtained, to the contrary." What is more strange, and hardly conceivable, is, that the vast sums sent to the pope, not only had not at all promoted the conquest of Sicily, but even the least part had not been put to that use, since, after the defeat of Nocera, the pope had no army on foot. Besides the tenths, and other aids frequently paid by the clergy to the king on that account, the parliament had furnished considerable supplies, and yet there appeared no bottom to this gulf, which swallowed up all the riches of the kingdom. The clergy grieved to see themselves thus oppressed: the people murmured no less, when they considered, that so much money raised in England, and which, it is affirmed, amounted to above nine hundred and fifty thousand marks was not suffi-

The king petitions the pope to soften the terms relating to Sicily.

Act. Pub. T. i. p. 624-629, &c.

He would renounce that crown. p. 630.

A new nuncio with fresh bulls. p. 628.

Bull for money from the clergy. p. 640. M. Paris,

cient to satisfy the avarice of the pope, who still craved for more \*.

1258. It was not possible but so many oppressions would at length tire the patience of the English. The barons were still more aggrieved than the people, as the most considerable posts, to which they thought themselves alone entitled, were enjoyed by foreigners. This usually excites the zeal of the great men; and makes them such sticklers for the good of the public. If their own private interest is not concerned, in vain will it be expected that the nobles expose their lives and fortunes in defence of the liberties of an injured people. This is a remark, at which no nation in particular ought to be offended, since it agrees with all times and with all places. The great men, who then lived in England, were of the same character. The credit and riches of the foreigners, were the chief grievance of the barons, and the real motive of their complaints. If they urged some other abuses, it was because they themselves had no advantage from thence, or to gain the people on their side. They had hitherto thought to oblige the king to alter his conduct, by binding him with solemn oaths. But they perceived at length there was no securing this Proteus, as an historian styles him, unless more violent means were used. In this belief they began to hold secret conferences together, to consider of proper expedients to reform the government, and especially to exclude the foreigners. The king quickly furnished them with an opportunity to execute their designs, by calling a parliament, of whom he demanded, according to custom, a powerful aid for the affair of Sicily, for as to the voyage to the Holy Land, it was no longer mentioned. The parliament, pursuant to the resolution already taken by the principal barons, instead of granting his demand, vehemently complained of the breach of his promises, and of all the grievances in general, spoken of in the course of this reign. Henry perceiving that a haughty carriage would be in vain on this occasion, fell to his old artifice of appeasing the lords, by acknowledging himself guilty, and promising to reform what was amiss. But for once they were not so credulous. They told him

The barons begin to take measures against the king.  
M. Paris.

M. Paris.  
P. 968.

The king demands money of the parliament, who complain of his conduct.  
Id. p. 963, 965.

\* In Midlent, this year, was held a parliament at Westminster, in which the king demanded the tenths of the whole beneficed clergy, for five years, according to the new valuation, without any deduction or allowance. But the parliament thinking the demand extravagant, agreed to grant the king an aid of fifty thousand marks, on condition the great charter was observed. But Henry refused to accept of it. Mat. Paris, p. 946.

plainly,

plainly, that without leaving it to him, they designed to re-  
 form the government themselves, so as to fear no more his  
 breach of faith. Therefore, under pretence of the difficulties  
 in this affair, the parliament was prorogued, and the city of  
 Oxford appointed for the place of the next session. And as  
 he was apprehensive, that in the mean time, the barons  
 would make preparations, which he found he could not pre-  
 vent, he gave them a positive promise, that as soon as they  
 met, he would join with them in the desired reformation. He  
 signed likewise a charter, whereby he consented that the ar-  
 ticles to be reformed, should be drawn up by four and twenty  
 lords, of whom he would chuse twelve, and promised to  
 observe whatever should be settled by these commissioners.  
 To give the greater authority to this charter, he caused prince  
 Edward his son to sign it with him, to convince them of his  
 sincerity. They had been so often deceived by the like pro-  
 mises, that they could not believe this to be more sincere.  
 Without relying on the king's protestations, the barons sum-  
 moned all the military tenants, and on the day appointed  
 came to Oxford, well-attended, and resolutely bent to com-  
 pel the king to perform his word. The first thing was the  
 election of the four and twenty commissioners, who were to  
 draw the articles of the intended reformation. The king chose  
 twelve<sup>1</sup>, and the other twelve were elected by the barons<sup>2</sup>,  
 who made Simon de Montfort earl of Leicester, president of this  
 council. The election being over, the four and twenty drew  
 up some articles, to which the parliament reserved to them-  
 selves a power to add, from time to time, such others as  
 should be deemed necessary for the good of the state. They  
 were in substance as follows :

I. That the king should confirm the great charter, which  
 he had sworn so often to observe without any effect.

II. That the office of chief justiciary should be given to a  
 person of capacity and integrity, that would administer justice  
 as well to the poor as the rich without distinction.

<sup>1</sup> The bishops of London and Win-  
 chester ; Henry, son to the king of the  
 Romans ; John earl of Warren ; Guido  
 de Lusignan, and William de Valence,  
 the king's half-brothers ; John earl of  
 Warwick ; John Mansel, frier ; J. de  
 Derlington, abbot of Westminster ;  
 Henry de Wengham, dean of St. Mar-  
 tin's, London ; the twelfth is omitted,  
 but supposed to be either Peter of Savoy,

or James Audly.

<sup>2</sup> The bishop of Worcester ; the earls  
 Simon of Leicester, Richard of Glou-  
 cester, Humphry of Hereford, Roger of  
 Norfolk, earl marshal ; the lords Roger  
 Mortimer, John Fitz Geoffrey, Hugh  
 Bigod, Richard de Gray, William Bar-  
 dolf, Peter de Montfort, and Hugh de  
 Espenfer. Mat. Paris.

The barons  
 form the  
 project of  
 reforming  
 the govern-  
 ment.  
 Parliament  
 adjourned  
 to Oxford.  
 The king  
 agrees to the  
 reformation.  
 M. Paris.  
 P. 968.  
 T. Wikes.

M. Paris.  
 P. 971.

Four and  
 twenty cho-  
 sen to settle  
 matters.  
 A. d. Pub.  
 T. i. p. 655.  
 An. Burt.  
 P. 413, 414.  
 M. Paris.  
 T. Wikes,  
 p. 52.

## THE HISTORY

III. That the chancellor, treasurer, justices, and other officers and public ministers, should be chosen by the four and twenty.

IV. That the custody of the king's castles should be left to the care of the four and twenty, who shall intrust them with such as were well affected to the state.

V. That it should be death for any person of what degree or order soever, to oppose, directly or indirectly, what should be ordained by the four and twenty.

VI. That the parliament should meet at least once every year, to make such statutes as should be judged necessary for the welfare of the kingdom<sup>n</sup>.

It is certain, that twelve deputies, or representatives of the commons, were present in this parliament; but whether it was by permission or right, I mean, whether it was a new regulation, or the commons had their representatives in the former parliaments, is what I dare not undertake to determine; since the English are not agreed in this point among themselves. However, as in a dispute of this nature, it is difficult to help inclining to one side, I readily own myself of their opinion who believe this to be the first time that the representatives of the commons were admitted to sit in parliament. And indeed if the commons had a right to sit there at the time we are speaking of, it would be very strange that they should nominate but twelve representatives for the whole kingdom. Moreover all the historians agree that these twelve were not commoners [as now reputed] but all barons, styled immediate tenants of the crown<sup>o</sup>. Add to this, it would be very surprising, if the commons enjoyed this privilege before, that historians should never distinguish them from the nobi-

<sup>n</sup> The Annals of Burton, where the order is drawn up in form, say, the four and twenty ordained, that there should be three parliaments in the year; the first, eight days after Michaelmas; the second, the morrow after Candlemas-day; and the third, on the first of June, p. 415.

<sup>o</sup> In the same Annals is the act for the election of the twelve, which was drawn up in French in this form: "Be it remembered, that the community have chosen twelve wise men, who shall come to parliaments, as also at other times, when there shall be need, and the king or his council shall command or send to them, to treat of the business of the king and realm; and the community will hold for esta-

blished what these twelve shall do; and this shall be done to spare the cost and charges of the community." The names of the twelve are entered in the said Annals thus: "These are the twelve who were chosen by the barons to treat in the three parliaments every year with the king's council, for the whole community of the land, upon the common business; namely, the bishop of London, the earl of Winchester, the earl of Hereford, Philip Basset, John de Baliol, John de Verdon, John de Gray, Roger de Sumerie, Roger de Montalt, Hugh de Esenser, Thomas de Gresley, and Ægidius de Argentum." Ann. Burton, p. 425. Now all these were barons.

lity. And yet, among so many writers who, from the conquest to the end of the reign of Henry III. have spoken of parliaments, not one has distinguished the commons as making a distinct body or separate house from the barons. In short, it may be added, as a precedent by no means favourable to the antiquity of the right of the commons, that in France it was not till the reign of Philip the Fair, that the third estate was admitted into the general assembly of the states, as Pasquier assures us. However this be, as it is from this and another assembly, which I shall mention presently, that some date the original of the privilege of the commons, it was necessary to acquaint the reader therewith.

The parliament approving the articles drawn by the four and twenty, the king was obliged to give his assent to them, and cause all necessary orders for their execution to be dispatched. Prince Edward likewise solemnly swore to observe, and cause them to be observed, to the utmost of his power. Thus Henry, for his too great neglect of his subjects, found himself at last forced to divide with them the government of his kingdom, or rather to resign the whole into their hands. Perhaps he would have avoided this misfortune, had he been less obsequious to the court of Rome, which certainly was the principal cause of his disgrace. But it was then very difficult to keep, in that respect, a just medium. King John lost himself by too vigorously opposing the pope; and Henry, by making himself his slave.

The articles agreed on, then called the statutes or provisions of Oxford, met at first with some opposition. The earl of Warren refused to sign them. Prince Edward, who swore to them against his will, wanted to go from his oath. Henry, son to the king of the Romans, openly protested they were of no force, till the king his father, then in Germany, consented to them. This protestation drew a very mortifying reply from the earl of Leicester. Without regarding his quality, the earl plainly told him, "If the king his father refused to join with the barons, he should not enjoy one foot of land in England." But the greatest opposition was from the foreigners, and particularly the king's half-brothers and the queen's relations; especially William, bishop elect of Valence, was chiefly concerned; because the whole royal authority, now reduced within narrow bounds by these statutes, was properly in his hands. Accordingly, he publicly declared, he would not deliver up the castles, of which he had the custody. But the earl of Leicester, who was naturally impetuous, immediately replied, he should part either with the

Opposition  
to these ar-  
ticles.  
M. Paris.

The fo-  
reigners ex-  
pelled the  
kingdom.  
An. Waver.  
W. Rish.  
M. Paris.

castles or his head. This threat being supported by the rest of the barons, the Poitevins resolved to shut themselves up in Winchester, plainly seeing they were not able to withstand the torrent. Their flight<sup>p</sup> was no sooner known, but the barons mounted their horses and pursued them, but it was not possible to overtake them. However, as at such a juncture, it was difficult for foreigners, so universally hated, to procure a sufficient protection, they consented to depart the kingdom, provided they might have safe conduct. This condition being readily granted, they were brought to London till they could be embarked. It is affirmed that during their stay in the city, they invited to an entertainment several lords, some of whom died presently after; which gave occasion to suspect they were poisoned. But perhaps the hatred of the English to these foreigners, was the chief cause of the suspicion. Be that as it will, a few days after they embarked at Dover, and returned into their own country.

M. Paris.

The barons enter into an association. Ibid. W. Ruff, p. 990.

The barons being thus rid of the foreigners, agreed, before their separation, upon an oath of association, to stand by the provisions of Oxford with their lives and fortunes<sup>q</sup>. If we believe an historian who has given us the particulars of this affair, the four and twenty soon abused their power, in giving all the places and offices to their relations and friends. He accuses them also of holding frequent parliaments, without the king's consent, whom they considered only as the shadow of a sovereign.

London enters into the association. M. Paris. p. 974. The foreigners banished.

In a parliament assembled at Winchester, the barons resolved to send commissioners to the city of London, to invite them to join in their association. This was easily obtained; the Londoners having still more reason to complain of the king than all the rest of the kingdom. This affair being ended, and the parliament judging it necessary to proceed in a legal way against the foreigners, who were expelled the kingdom, passed an act for their perpetual banishment. However, as Athelmar bishop of Winchester was in the number of the banished, there was a necessity of making some excuse to the pope, since the bishops had been long exempted from the civil jurisdiction. There was occasion likewise to justify to the pope the conduct of the parliament, both with regard to the affair of Sicily, and the late alterations in the government of the kingdom. It was resolved therefore, that

<sup>p</sup> They stole away privately, while the barons were at dinner, in order to take refuge with their brother the bishop of Winchester. Mat. Paris.

<sup>q</sup> You may see the form of this asso-

ciation in the Annals of Burton, p. 413, and likewise of the oath the four and twenty were to take, *ibid.* As also of the oaths of the chief judiciary and chancellor, *ibid.*

the



the barons should write to the pope, to inform him of what had passed. Their letter was to this effect: "That they had been prevented, for several good reasons, from yielding to his admonitions, with respect to the conquest of Sicily. First, because the king had engaged in that undertaking without their advice, and without considering the state of the kingdom, which was by no means able to bear the expence of such an expedition. Secondly, because the conditions on which the king had accepted the grant of Sicily for the prince his son, were too hard and impracticable: nevertheless, if the pope would mitigate them, they were ready to prosecute that affair to the utmost of their power. Then they vindicated the Oxford provisions, alledging the king's incapacity and easiness to give himself up to the guidance of such as had no concern for the good of the kingdom. They insisted chiefly upon this, shewing by strong reasons, that it was not proper the kingdom should be governed by foreigners. They mentioned the bishop of Winchester in particular, as the principal author of the evils England groaned under. They affirmed, this prelate was guilty of divers enormous crimes, which induced him to desire leave to depart the kingdom, being conscious he could not possibly render a good account of his actions. Above all, they accused him of advising the king to break his word and oath, which could not but be construed as a settled design to disturb the peace of the kingdom. And therefore, they would never suffer him to return again; and supposing they did, the people were bent to oppose it." To give the more weight to their apology, they sent their letter to the pope by some of their own body, who were commissioned to display more fully the outrages of the bishop of Winchester, and the rest of the royal relations.

The barons letter to the pope, to justify what was done. Act. Pub. tom. i. p. 660. M. Paris.

The pope was not satisfied with these reasons. He wanted to continue to draw money from the king on the old pretence of the affair of Sicily; and what the barons had lately done, laid an insuperable obstacle in his way. However not to exasperate them, he delayed sending an answer, and contented himself with privately assuring the king of his protection.

The pope continues to press the king on the Sicily affair. Act. Pub. tom. i. p. 649, 650, 656, &c.

To this letter eleven great men put their seals, and witnessed it in the name of the whole community. Eight of them were of the number of the four and twenty, and the other three were William de Fortz, earl of Albemarle; Peter of Savoy, earl of Richmond; and James Audley. This letter was carried

by four skilful and eloquent knights, who added many other crimes committed by the bishop of Winchester and his brothers; namely, homicide, rapine, oppression, and injury; and that Geoffrey de Lusignan, one of the brothers, roasted the king's cook, and tortured him to death. Mat. Paris

But

Gives him  
some time.

But withal, as if Henry had been in a condition to supply him with money, he pressed him to pay the arrears due to the Italian merchants, of which he pretended the interest alone amounted to a vast sum. He was willing however to give him some short time, which was no sooner expired, but the bishop of London received express orders to excommunicate all the debtors of the Italian merchants, of what quality soever. But times being altered, his orders, no longer countenanced by the government, remained unexecuted. For the same reason, the conquest of the kingdom of Sicily was now deemed a chimerical project, tending only to the ruin of England.

The king  
shows his  
resentment  
to the earl  
of Leicester.  
M. Paris.

Mean time the unfortunate Henry, stripped of all his authority, saw himself forced to assent to whatever the governors were pleased to prescribe him, and to sign all the orders presented to him for the observance of statutes, which deprived him of all his prerogatives. Though the earl of Leicester was his brother-in-law, yet of all the barons he considered him as his greatest enemy, and the chief author of his disgrace. The constraint he was under, did not hinder him from discovering to the earl himself what he thought of him. One day as he was going to the Tower by water, a sudden storm [of thunder and lightening] obliging him to land at the first stairs, it happened to be at Durham-House, where the earl of Leicester then lay. He was received, at his coming out of the boat, by the earl himself, who, to hearten him after his fright, told him, "He need not be afraid, for the storm was over."

M. Paris.

"I am beyond measure afraid of thunder and lightning," replied the king with a severe look, "but, by God's head, I fear thee more than all the thunder in the world."

1259.  
The king of  
the Romans  
declares  
against the  
Oxford pro-  
visions;  
M. Paris.  
T. Wikes.

It was not without reason that the king stood in fear of the earl of Leicester. This earl, who was the head of the confederates, took with all the rest possible measures to hinder him from freeing himself from the slavery to which he was reduced by his imprudence. Their resolution not to forego their authority, manifestly appeared in their answer to the king of the Romans. This prince communicating to them by letter his design of returning to England, to assist them in appeasing the troubles of the kingdom, received this mortifying answer:

"Rapin has expressed this otherwise, but the words of the original are: "Comes ait:" "Quid est quod timeas, jam tempestas pertransit?" "Cui rex non jocose sed serio respondit, 'vultuque severo:' "Supra modum tonitrum & fulgur formido: sed per caput Dei, plus te quam totius mundi

"tonitrum & fulgur contremisco." "Cui comes benigne respondit:" "Domine mi, injustum est & incredibile ut nec amicum vestrum stabilem, & semper vobis & vestris & regno Angliæ fidelem paveatis; sed inamicos vestros, destructores, & falsidicos timere debetis." Mat. Paris, p. 974.

I hat

That they would not suffer him to enter the kingdom, unless he swore to observe the Oxford provisions. Richard received the deputies sent on this occasions very haughtily, saying, it was strange, the barons should take upon them to alter the government in his absence, and without his knowledge, and protested he would not take the oath required of him, but would however return to England. This answer being brought to the governors, they speedily fitted out a fleet, and raised an army, to hinder his passage and landing. But these precautions were needless. As this prince was unable to surmount so many obstacles, and yet thought his presence necessary in England, he promised to submit to what was established. Upon this condition he was suffered to come over, and, upon his arrival at Dover, took the oath in the presence of the king, and a great number of barons who came to meet him.<sup>c</sup>

but is constrained to swear to them.  
T. Wikes.

Since the late revolution in England, those who held the reins of the government, made it a rule to keep peace with the neighbouring princes, lest a foreign war should destroy what was so happily begun. They were apprehensive above all, that the king of France would take advantage of the present posture of affairs, to push the conquests in Guienne. This fear made them resolve to conclude a firm and lasting peace with France, by sacrificing to her all the king's pretensions to Normandy and Anjou. Besides, they hoped by this means to secure Lewis's assistance, since it would be his interest to support the form of government lately established. Indeed the execution of the intended treaty with him, depended in some measure on the continuance of the present establishment. Pursuant to this project, the earl of Leicester took upon him to go and propose it at Paris. The French saw considerable advantages in what was offered by the English, and therefore, readily looking upon the earl of Leicester as sufficiently authorized, though they were not ignorant of the situation of affairs in England, concluded a treaty with him, which Henry was forced to sign. He was even persuaded to meet Lewis at Abbeville, where the states of France were assembled, and to renounce in their presence, all his pretensions to Normandy.

The barons make a disadvantageous treaty with France, M. Paris.

Act. Pub.  
tom. i.  
p. 675.  
W. Ruff.

<sup>c</sup> King Henry met him at Canerbury, and both kings going into the Chapter-house, Richard earl of Gloucester called upon the king of the Romans, by the name of Richard earl of Cornwall, (without any regard to his other title) to take the oath, which he did in these words: "Hear ye, all people, that I, Richard earl of Cornwall, do here swear upon the holy gospels, that I

"will be faithful and diligent, together with you the barons, to reform the kingdom of England, hitherto too much out of order by the counsel of evil men; and I will be your effectual helper to expel all rebels and disturbers of this kingdom, and will observe this oath inviolably, under pain of losing all the lands I hold in England." Mat. Paris, p. 948.

and

and Anjou<sup>a</sup>. Lewis in return gave up le Limosin and le Perigord, with all that France possessed beyond the Garonne, on condition he would do him homage, and take his seat among the peers of the realm as duke of Guienne. Thus by a treaty France acquired to these two provinces a right, which before was only owing to the sword. But the kings of England, successors to Henry III. did not think themselves bound by a treaty made at such a juncture.

The twenty four forbid sending to foreigners the incomes of their benefices.  
W. Rish.  
p. 990.

Whilst the king was in France, the four and twenty who governed England, thought it time to reform a very great grievance, introduced by the king's excessive complaisance for the court of Rome. This was the prodigious number of Italian ecclesiastics, who possessed all the richest benefices in the kingdom. These men, without ever residing on their benefices, farmed them out to private persons, or religious houses, who sent them the revenues into Italy. By this means, the want of money, long since complained of, daily increased. As a remedy for this evil, the governors issued a proclamation, enjoining all farmers of the foreign benefices to pay the revenues to certain persons appointed to receive them, on pain to the offenders of seeing their houses razed to the ground. By this precaution, England was freed for a time from these Italian leeches, who sucked the best blood of the nation.

1260.

The earl of Gloucester jealous of the earl of Leicester.  
M. West.  
M. Paris.

Though the barons hitherto appeared strictly united, a secret disgust was forming in the minds of some, caused by the too great authority assumed by the earl of Leicester. Whether the earl thought himself more capable and more zealous than his companions, or, as his enemies charged him, was led by his ambition to aspire to the supreme power, it is certain he usurped all the authority committed to the four and twenty. He could not continue to act thus, without raising the jealousy of his colleagues, and particularly of the earl of Gloucester, who tried by degrees to form a party against him. He began first with privately blaming his conduct, and spreading a report that he was in league with prince Edward, to place him on the throne in his father's life-time. This pretended project reaching the king's ears, then at St. Omers, he was so terrified, that he could not think of returning to England for fear of being confined, or perhaps something worse. He was told, the prince his son intended to take the govern-

He raises a false report of prince Edward;  
T. Wikes.

<sup>a</sup> In consideration whereof, Lewis Normandy and Anjou, in his grants, paid him three thousand pounds tournois. And from that time the king of England left out the title of duke of

ment into his hands, and obstruct his return; and in case that could not be done, to imprison him for life. But Edward so fully and respectfully cleared himself, that he entirely effaced his father's suspicions. He even offered to submit to the judgment of the king of the Romans his uncle, refusing to acknowledge the jurisdiction of the barons of the realm, who were not his peers. But there was no occasion to give farther proofs of his innocence: Henry, at his return, seemed perfectly satisfied. The earl of Gloucester finding these indirect ways did him more hurt than good, directly attacked the earl of Leicester, accusing him of many misdemeanours committed as well in Guienne as in England. Upon this foundation, he demanded a day to be prefixed for hearing his accusation against him. However, on the day appointed, seeing the earl of Leicester boldly appear to make his defence, he was afraid either of wanting evidence, or at least of his adversary's party proving too strong. So pretending some of his witnesses were absent, he desired the affair might be farther adjourned. This quarrel might have been attended with fatal consequences, had not the king of the Romans used his interest to end it, and appease the prince his nephew, who was highly incensed with the earl of Gloucester. He succeeded at length, to the great satisfaction of the English, who were apprehensive, that a civil war was going to disturb the calm they began to enjoy\*. As soon as this affair was over, Richard set out for Germany, where he had some expectations of being owned for emperor by all the electoral princes. But quickly finding, it was not in his power to dispel the factions that divided the Germans, he relinquished the project and returned to England. Here he found the king and queen of Scotland, who were come to visit the king. A few days after, arrived also John de Dreux, duke of Bretagne, to espouse Beatrix the king's second daughter, so that the court was very numerous. Though the governors had no great regard for the king's person, they however did honour to his royalty, by a magnificent reception of these illustrious guests. But it was with little satisfaction to Henry, who, not having the management of his revenues, could not value himself

who clears himself.

Gloucester directly accuses Leicester,

but drops his accusation.

The breach made up by the king of the Romans, who goes for Germany, and returns again.

The king and queen of Scotland, and earl of Bretagne arrive, T. Wilkes. Act. Pub. tom. I. p. 675, 682.

\* About this time, as the MS chronicle relates, the king caused a folkmote of the citizens to be assembled at St. Paul's cross, where he came himself with the king of the Romans, and divers other noblemen, and there told them, that all the male-sex, above

twelve years of age, should take an oath before the alderman of their particular ward, to be faithful to the king, and after his decease to his heir, without naming any person: which was done accordingly. In libro de Antiqu. Leg.

An accom-  
modation set  
on foot.  
M. West.

The king  
breaks it off  
by his indis-  
cretion.

They try to  
surprise  
him.

T. Wikes.  
M. West.

The Cinque-  
Ports de-  
clare against  
the king.  
M. West.

In this ill situation, he saw no other remedy, but to treat with the barons. He perceived his condition would be but more unhappy, if he vainly persisted to prosecute his design. Matters even seemed to tend to an accommodation, by the concessions of both parties. But this prospect lasted not long. Henry thinking to make his cause better, by urging the pope's authority, gave occasion to widen the breach, by unadvisedly shewing the bull, which absolved him from his oath. The discovery of this secret, which he ought to have concealed at such a juncture, did him an irreparable damage. The barons, who till then were in hopes to bring him to equitable terms, resolved to lay aside all ceremony. They plainly saw, there was no reliance upon an accommodation, to which the most solemn oath could give no manner of force. Pursuant to this resolution, they formed a design to surprise the king in Winchester, where he was gone in hopes that the negotiation would have a good issue. But Henry receiving timely notice, retired again to the Tower. As soon as he found himself safe, his first care was to send into all the counties, orders to turn out the sheriffs appointed by the four and twenty, which caused a general confusion in the whole kingdom. Some were for obeying the sheriffs nominated by the king, whilst others refused to acknowledge them<sup>b</sup>.

Mean time the barons continuing to take measures to oppose the king's designs, prevailed with the governors of the Cinque-Ports to fit out a fleet to guard the coast, lest succours should come from some foreign prince. The Cinque-Ports were obliged by their charter to equip fifty men of war whenever the king's service required it<sup>c</sup>. Upon this occasion, the barons of the Cinque-Ports, interpreting the king's service by that of the kingdom, pretended to serve the king, by making use of their forces against him. This maxim will not appear very strange, when it is considered, that in England the king and the state have always been deemed but one and the same

<sup>b</sup> The writ of letters issued out by the king on this occasion, are upon record, and printed in Dr. Brady's appendix, No. 205. The substance of them was: "That the barons not having performed their part of the Oxford provisions, he had got himself absolved by the pope from his oath to observe them. That he was ready to do justice to all men in his courts, and to keep the articles of the great charter, and charter of forests;

" which the sheriffs were ordered to proclaim in all places," &c.

<sup>c</sup> From hence may be seen the great power of the Cinque-Ports in those days to which the chief guard of the kingdom, by sea, was then committed, and which found the king no less than a fleet of fifty sail, each town according to its proportion; and this they were to do for his privileges they enjoyed.

body. Upon this foundation it is affirmed, that when the king comes to separate his interests from those of the public, he loses his prerogatives, which are rather the prerogatives of the crown, than of the sovereign's person.

Every thing manifestly tended to a civil war. But the fear 1262. each part were under of rendering their condition worse, suspend the effects of their mutual enmity. Whilst the king and the barons were equally desirous to avoid the blame of beginning the war, the king of the Romans improved this disposition, to try to procure a good peace. His mediation being accepted, he prevailed with the king his brother, to promise that he would confirm the Oxford-provisions, and with the barons to depart from such articles as were most displeasing to the king. In all appearance, the four and twenty were then deprived of their authority, and the rather, because from the beginning of the troubles it was not generally acknowledged. The earl of Leicester refused to consent to this agreement, and chose to retire into France. He said, he durst not rely on the word of a prince, who scrupled not to break his oath, when he found it for his interest. Among the barons who signed this agreement, there were several no less dissatisfied with it. But as the majority gave their consent, they chose rather to accept it, than be deemed alone the cause of the troubles. By this treaty, England seemed to be restored to its former tranquility. But the fire which lay concealed under the cinders, soon rekindled and burst out into new flames.

During this calm, which Henry hoped long to enjoy, the affairs of Guienne obliged him to go over to Bourdeaux, where falling ill of a quartan-ague, he staid longer than he designed. Richard earl of Gloucester dying in the mean while, his son Gilbert immediately repaired to Guienne to be invested with his father's inheritance. Henry having no kindness for that lord, was solicited some time before he would do him that justice. And it was not till after receiving a considerable present, that he sent him away satisfied.

The king's absence afforded Leicester's friends an opportunity to renew their cabels, and unite the party divided by the late treaty. They compassed their ends the more easily, as the king gave the barons a plausible pretence to complain, by delaying to confirm the Oxford-provisions. When the earl of Leicester was informed that this party began to revive, he speedily returned into England, where his presence entirely restored the courage of those who, out of fear or weak-

The king promises to confirm the Oxford-provisions.  
M. West,

Leicester retires into France.  
T. Wikes,

Henry passes into Guienne.  
A. A. Pub. T. I. p. 748, 750.  
Gloucester dies, and is succeeded by his son.  
W. West,

The party of the barons unite.  
M. West,

Leicester returns.  
T. Wikes,

and the king  
likewise.

1263.

The barons  
present an  
address.

An. S. Aug.  
T. Wikes.

The king  
threatens  
them.

He gains his  
son Edward,  
and the king  
of the Ro-  
mans.

T. Wikes.

Edward  
takes ten  
thousand  
pounds from  
the templars  
by force.  
An. S. Aug.

Urban  
threatens.

nefs, had signed the late agreement<sup>d</sup>. Upon this the king came over in haste, but it was now too late. The barons had resolved to put themselves in a condition not to fear his inconstancy. Immediately after his return, they presented an address to him, calling upon him to confirm the statutes of Oxford, pursuant to his agreement, and threatening, in case of refusal, to take such measures as would not be agreeable. They were in hopes, that fear would oblige him to grant their demand, and it was a great surprize to them to find themselves called rebels, and threatened with the severest punishments. It will doubtless seem strange, that the king, in his present circumstances, should behave thus haughtily. But he had a private reason unknown to the barons. During his voyage to Guienne, he had gained the king of the Romans and prince Edward. The last had now raised some foreign troops, under colour of employing them against the Welsh, but in reality to oppose them to the barons. The war however did not break out so soon. There were still some negotiations, but which served only to widen the breach, and give the barons time to prepare themselves. During this interval, Edward carried the war into Wales, where however he did nothing considerable, for want of money to pay his troops. In this sad situation, the prince, unwilling to disband his army, and not having where-withal to satisfy them, thought he might use some extraordinary method to raise the money he wanted. On a sudden he came to London, and without communicating his design, led a company of armed men to the new temple, and took out of the treasury of the templars ten thousand pounds sterling, deposited there by the citizens. This violence raised loud murmurs among the parties concerned; but their complaints were in vain. The prince had caused the money to be conveyed to Windsor castle, from whence it would be very difficult to take it by force.

Whilst these things passed in England, Urban IV. altered his measures with respect to Sicily, and took no care to give

<sup>d</sup> Upon his arrival, the earl appeared at a great council held by Philip Basset the justiciary, and produced a brief from the pope, wherein he confirmed the provisions of Oxford, and recalled the king's absolution, declaring he was deceived in granting it. This brief was publicly read in the council, contrary to the will of the justiciary, (lately put in by the king) but as soon as the earl had published it, he went back into

France. This passage is found in no other writer, except the manuscript chronicle of St. Augustin; and, if true, gives us the reason of the so sudden change in the barons humour, from what it was in the beginning of this year, and shews the cause of what happened the next, as will be seen presently. But if the absolution was recalled, it was shortly after re-confirmed.



ally notice to Henry. The revolution in England causing Henry to him to consider that kingdom as an exhausted fund, he turned give Sicily to another. to France, and entered into a negotiation with Charles earl of Anjou, to place that prince on the throne of Sicily. To Asst. Pub. T. i. p. 769 prepare Henry for this change, he wrote him a long letter whertin, after reproaches for what the holy see had done for him, he complained of the non-performance of his promises. In short, he let him know, he should be forced to seek in another prince speedier and more effectual supplies.

Mean time the negotiation between the king and the barons was still continued, but proceeded very slowly; both parties having no other intention but to lay upon each other the blame of the rupture. At length the earl of Leicester, fearing these delays would only tend to corrupt his adherents, convened an assembly of the barons, where it was unanimously resolved to maintain the Oxford-provisions by arms. The beginning of the barons wars. In. p. 572. T. Wikes. P. 56. This resolution being taken, they chose the earl of Leicester for general, and each went and drew together the troops which were already prepared, in the uncertainty of the success of the negotiation. The foreigners, dispersed in the kingdom, were the first that felt the sad effects of this rupture. Foreigners ill treated. W. Rish. P. 992. The people were so exasperated against them, that, without distinguishing the innocent from the guilty, they persecuted all alike that could not speak good English, that mark alone being sufficient to render them odious. On the other hand, the earl of Leicester plundered without mercy the estates of the king's favorites and counsellors, and publicly declared, he would hearken to no proposals of peace, till they were all entirely destroyed. As the king had no army to withstand the barons, he still remained in the Tower of London, whilst they became masters of Gloucester, Hereford, Bridgnorth, Worcester, and other places near the Severn. These conquests were followed with the declaration of the city of London in their favour. London declares for the barons. T. Wikes, The Londoners eagerly embracing the opportunity of being revenged of the king, sent him word, they were resolved to adhere to the Oxford-provisions, and to

\* And farther, according to the city Annals, they sent a letter, (sealed by the lord Roger Clifford, in the name of the rest) to petition his majesty to observe the provisions of Oxford, and desired all those that opposed them; the king, queen, and their children excepted.

† The storm fell upon John Mansel

and Robert Waleran, who were thought to be the king's chief advisers not to come to an agreement. And likewise on Simon de Walton, bishop of Norwich, who with Mansel had published the pope's bull to absolve Henry from his oath to the Oxford-provisions. \* An. S. Aug. T. Wikes.

shut their gates against the foreigners, in case he should think of bringing any into the city.

The barons  
present an  
address to  
the king.  
T. Wikes.

Though these happy beginnings gave the barons great reason to hope well of their enterprise, they believed, that to gain the people still more to their side, it was necessary to shew, they had taken up arms with grief, and were ready to lay them down with joy. To that end, they presented to the king a petition drawn up in very respectful terms, wherein they offered to consent, that a free parliament should review the Oxford-provisions, and annul such articles as were found too prejudicial to the royal authority. But withal, they desired, that the king should confirm the rest, and the kingdom be governed by the natives, as was practised in all other countries. This petition had no effect upon the king, who, though shut in the Tower, expected every moment his son to come and relieve him. This too was what the barons feared; and therefore, to prevent the designs of prince Edward, they post themselves at Thistleworth, through which place he must necessarily pass to deliver the king. The barons precaution caused the king to alter his resolutions. As he began to despair of relief, he found himself obliged to send them word, he would confirm the provisions of Oxford. This was all the barons wanted, so that a treaty containing four principal articles, was easily concluded, namely, I. That the king's castles should be put into the hands of the barons. II. That the provisions of Oxford should be inviolably observed. III. That all foreigners, except such as should be allowed of by the unanimous consent of the barons, should be banished the realm. IV. That the administration of affairs should be committed to the king's natural subjects, approved of by the barons.

Henry  
agrees to a  
treaty.  
A. & Pub.  
T. i. p. 768.  
M. West.

Articles of  
the treaty.  
M. West.  
W. Rish.  
P. 993.

This agreement would have restored peace to the kingdom, had the king consented to it with design to perform it. But as his sole view was to free himself from his troublesome state, it was not long before he broke it. The insolence of some Londoners did not a little contribute to his taking this resolution. One day, as the queen was going by water to Windsor, the mob, just as she was going to shoot the bridge, hollowed at her in a manner very mortifying to a queen. They not only used foul reproaches, but some were so brutish

The queen  
insulted by  
the mob.  
M. West.  
T. Wikes.

The first article was, "That France) should be released." M.  
"Henry, son of the King of the Ro- West,  
"mans (who was kept the prisoner in

as to cast dirt and stones at her<sup>b</sup>. The king was extremely incensed as this insult, and it served to confirm him in his resolution of making a vigorous effort for the recovery of his authority. He began therefore to store with arms and provisions the castles that were still in his power, which was a sufficient hint to the barons to be upon their guard.

Matters standing thus, it was hard to say whether the kingdom was in peace or war. Though hostilities were not yet begun, the distrust on both sides was so great, that the two parties looked upon one another as real enemies; each being ready to take what advantages should offer. During this state of uncertainty, prince Edward thought it necessary to store with provisions Bristol castle, of which the king his father had entrusted him with the custody. To that end he came to Bristol, and would have obliged the citizens to find him what provisions he wanted. As people then stood disposed, this demand, made perhaps a little too haughtily, raised a sedition among the townsmen, which forced the prince to retire into the castle. He was no sooner there, but the inhabitants resolved to besiege him, or at least to keep him so closely blocked up, that he should not escape; well knowing that for want of necessaries he could not long resist. This resolution threw Edward into a very great fright. He got out of it however by a device, which indeed freed him from the present danger, but soon brought him into another, from which he did not disengage himself so easily. He sent for the bishop of Worcester, and intimated to him, that he intended to adhere to the barons; but desired first to talk with his father, to persuade him to give them entire satisfaction: that not being able to execute this design, by reason of his being blocked up, he intreated him to be security for him, and accompany him to London, to be a witness of his conduct. The bishop being persuaded of the prince's sincerity, told the citizens of Bristol, it would be for the good of the common cause to let Edward go; to which they consented, and the blockade was raised. The prince set out in company with the bishop, who did not question but this journey would prove successful. But when they came near Windsor, Edward claped spurs to his horse, rid away from the bishop, without taking leave, and shut himself up in the castle. However, this fraud did not turn to so much to the prince's advantage as he expected. The bishop, provoked at this deceit,

Henry resolves to exert himself.

Prince Edward blocked up in Bristol castle by the citizens. M. West.

He gets off by a device.

and shuts himself up in Windsor. W. Rish.

<sup>b</sup> Matthew of Westminster says, the cause of the loss of the battle of Lewes, as will be seen hereafter. was very much against the king's signing the late treaty. This insult was

## THE HISTORY

Is seized at a conference, and forced to deliver up the castle. *Ibid.*

Truce between the king and barons. T. Wikes. M. West.

The king begins hostilities.

The earl of Leicester wants to be master of London. T. Wikes. M. West.

carried his complaints to the barons, who immediately resolved to lay siege to Windsor. The castle was so ill provided for its defence, that Edward thought he could not stand a siege. But, on the other hand, he could not resolve to lose the place. As he depended very much upon his address, he imagined, it would not be impossible to amuse the barons by a negotiation, which would leave him in possession of the castle upon certain terms, the performance whereof would be in his power. For that purpose, he went himself to the earl of Leicester, who was advancing towards Windsor. He met the general at Kingston upon Thames, where he held a conference with him. But as he was preparing to return without coming to any agreement, he was seized<sup>1</sup>, and by that means forced to accept of what terms were imposed on him. He was required to surrender the castle to the barons, and to order the garrison, consisting wholly of foreigners, to depart the kingdom.

The war seemed to be going to rekindle with greater fury than ever, so much did the two parties appear exasperated against one another. Nevertheless, as the king was not ready, and as it was the barons interest to let him begin the hostilities, in order to gain the people to their side, some peaceable persons took the opportunity to mediate a truce, which was followed by a peace on the same conditions with the former<sup>2</sup>. But this treaty restored not tranquility to the kingdom. As the king was forced to it, he soon broke it, by endeavouring to surprize Dover castle, then in the hands of the barons. This attempt obliging both parties to take arms up again, each tried to strengthen his party, by seizing several places. The Londoners, though inclined to the barons, were however obliged to keep a sort of neutrality, having experienced how liable they were to be annoyed by the garrison of the Tower, which was always in the king's hands. Besides, Henry had still in the city a good number of adherents, who were a check upon the opposite party. Mean time, the earl of Leicester, considering of what importance it would be to have the metropolis on his side, marched towards it through Surry, in hopes that his friends<sup>3</sup> would be able to open to

<sup>1</sup> By the advice of the bishop of Worcester. Mat. West.

<sup>2</sup> The king being outwardly reconciled to the earl of Leicester and his party, the lord Hugh l'Espenser was again made judiciary, in the room of Philip Basset, and the earl of Leicester was made high steward of England, and

Sir Roger de Leyburn, who had been looked upon as one of the king's greatest enemies, was likewise made steward of the household. T. Wikes. M. West.

<sup>3</sup> The chief of whom were, Thomas Fitz Richard, the mayor, Thomas de Pynlesdon, Matthew Bukere, Michael Tony, &c. T. Wikes.

him

him the gates of the bridge. But the king having notice of this design, left the Tower, and encamped with his troops about Southwark, with intent to oppose the enemies passage. The earl of Leicester, who relied more on the assistance of Skirmish is the citizens than on his own forces, vigorously attacked the Southwark. king's troops, in expectation that the Londoners would favour his entrance. During the fight, some citizens of the king's party, perceiving the city was in motion to assist the earl, locked up the bridge gates, and threw the keys into the river". This contrivance had like to prove fatal to the earl of Leicester, who for some time was in great disorder, having brought with him but few soldiers, for fear his design should be discovered. But at length the gates being broke open The earl enters the city. and the citizens fallying out in multitudes to his assistance, the king was forced to retire, and the earl entered the city.

The advantage gained by the barons was attended with the 1264. usual effect; that is, the king made them proposals of an The king and barons refer their differences to the king of France. agreement. But as all the treaties hitherto concluded were fruitless, because the king complained of being forced to accept of too rigorous terms (which the barons denied) it was agreed on both sides, to refer their differences to the arbitration of the king of France. Lewis accepting the mediation, Henry, attended by prince Edward, met him at Amiens, where the states-general were assembled. The sentence pronounced by Lewis, was favourable to Henry. He declared the provisions of Oxford to be null and void; restored the king to his ancient power; adjudged that he might nominate all the great officers of the crown; and that foreigners were as capable of offices and dignities, as the English themselves. But he added one clause, which destroyed the whole, by declaring, "It was not his intent to abrogate the privileges granted to the English, by their kings, before the parliament of Oxford". The barons looked upon this clause a manifest contradiction, because they pretended, the provisions of Oxford were enacted only to corroborate their privileges. This furnish-

"The chief contriver of this design, was one John Gisors, a Norman by birth. M. West.

"Nolumus autem, nec intendimus derogare per præsentem ordinatorem in aliquo regis privilegiis, chartis, libertatibus, statutis, & laudabilibus consuetudinibus regni Angliæ, quæ erant ante tempus provisionum ipsarum." This award (which you

may see at large in Tyrrel's Appendix, No. 7.) bears date Feb. 3, 1263, in father Dacherie's Spicilegium, because the French began not their year till our Lady day; whereas according to the accounts of all our former historians, the year began on Christmas-day, and so the sentence is dated, as here in Rapin, in 1264.

rejected by the barons.

ed them with a pretence to reject the award, and renew the war.

The war  
renewed.  
T. Wikes,  
M. West.

The king  
gains several  
advantages.  
T. Wikes,  
M. West.

The account of what passed between the two parties, till the famous battle of Lewes, is clogged with so many confused circumstances, for such as know not the situation of the places, that it must be very tedious. It is better to hasten to that remarkable event, which put an end to the quarrel, in favour of the barons. I shall only observe, that during the interval between the renewal of the war and the battle, Henry obtained several advantages over the barons; and also by means of his son, and the king of the Romans, gained several of the lords, who considerably strengthened his party. Moreover, he became master of Oxford, from whence he expelled the scholars, for showing too much partiality to the barons. Northampton was taken by storm by the king's troops, where fifteen barons and sixty knights were made prisoners<sup>o</sup>. The king was like to have hanged them all; but the advice of his generals and the fear of reprisals, diverting him from proceeding to that extremity. The taking of Northampton, was followed by that of Nottingham. Then the king marched into Kent, where he obliged the barons to raise the siege of Rochester, and retire to London.

He ap-  
proaches  
London;  
T. Wikes,  
W. Rish.  
P. 994.

The king was equally susceptible of presumption and fear, according to the posture of his affairs. Flushed with the success of his arms, he resolved to march directly to London. He did not question but the city, discouraged by his late advantages, would declare in his favour. Perhaps his hopes would not have been groundless, if, since his being on the throne, he had treated the citizens more civilly. But the remembrance of their ill usage, preventing them from exposing themselves to the like danger. The earl of Leicester taking occasion from the king's approach to exasperate them against him, managed so dextrously, that he persuaded them to go out and offer him battle. Henry was surprized at this, and being unwilling to hazard a battle with them at their own gates, retired, and encamped at Lewes in the county of Sussex,

retires to  
Lewes.

<sup>o</sup> It was taken April 3. The persons of note made prisoners were, William de Ferrars, Rowdwyne, and Nicolas de Wake, Adam de Neumarche, Roger Bertram, Simon Fitz Simon, Engeram de Waterville, Hugh Gubyon, Thomas Maunsel, Robert Untervilayn, Robert de Nueton, Philip de Scriby, Grymhald de Pauntvolt. Besides Peter

Montfort the earl's cousin, and also Simon Montfort his second son, whose horse, as he was riding too near the breach, started at something, and ran headlong through the ruins of the wall down into the ditch, where the rider narrowly escaped breaking his neck, but was taken up by the king's soldiers, T. Wikes. Hemmingford,

Mean

Mean time, the earl of Leicester, with the confederate barons, reinforcing their army with a strong body of Londoners<sup>p</sup>, marched out of the city in pursuit of the king, with intent to decide the quarrel by a battle. Pursuant to this resolution, they advanced towards Lewes, and encamped about six miles from the king's army<sup>q</sup>. This they did, to try whether there might be still some means to restore peace to the kingdom. Perhaps they really wished it, or else it was only to clear themselves from the blame of what should follow upon the king's refusal to accept of reasonable terms. Before they approached any nearer, they sent the king word<sup>r</sup>, that they had taken up arms, not to withdraw their allegiance, but only to reform what was amiss in the government: that they humbly besought him to join with them in that work, protesting he should find them as faithful as those, who under colour of serving him, sought only his ruin, by setting him against his most dutiful subjects, by their infamous calumnies. How respectful soever this letter might be, it touched those about the king too sensibly to be received with moderation. The king of the Romans and prince Edward were so offended at it, that they answered it with the lie, defiance, and threats, and prevailed with the king to send the like answer<sup>s</sup>. If it be true, as it is not unlikely, that the barons made this step only to clear themselves from blame, they were glad of so plausible a pretence to push things to extremity. Accordingly, without farther ceremony, they sent the king word, that they renounced the fealty they owed him, and considered him no more, but as an enemy to the state<sup>t</sup>.

The earl of Leicester follows him, and presents a petition; M. West. P. 386.

which is haughtily rejected. M. West. W. Rish. P. 994.

They renounce their fealty.

All hopes of agreement being lost by the animosity of both parties, nothing was thought of but a battle. The earl of Leicester advancing with his army, drew it up in order of battle near the king's, who was preparing to receive him. The royal army was divided into three bodies, of which that on

Battle of Lewes. M. West. T. Wikes.

<sup>p</sup> Fifteen thousand. M. Westm.

<sup>q</sup> At Flexing. M. Westm.

<sup>r</sup> In a very respectful letter, sealed by Leicester and Gloucester, at the request of the rest. M. Westm.

<sup>s</sup> In his answer, dated the 12th of May, 1264, at Lewes, he says, "That not himself, but they were indeed the cause of all the war, destruction, rapine, and misery which had befallen the nation: that their intentions were not according to their professions, nor their actions agree-

able to their pretences, and therefore he defied them." The king of the Romans letter bears the same date. M. Westm. W. Rish.

<sup>t</sup> But this was not till they had interceded with the king, by Henry bishop of London, and Walter bishop of Worcester, for peace, and offered thirty thousand pounds in consideration of the damages done by them in the kingdom; yet so, that the provisions of Oxford might stand good. T. Wikes. W. Rish.

the right was commanded by prince Edward <sup>1</sup>, the king of the Romans was on the left <sup>2</sup>, and Henry himself headed the main body. The barons army was divided into four bodies. The first was led by Henry de Montfort, the general's son <sup>3</sup>; the earl of Gloucester <sup>4</sup> commanded the second; the third, wholly consisting of Londoners, was on the left, commanded by Nicolas Segrave; the fourth was headed by the earl of Leicester. The two armies being thus drawn up, prince Edward began the fight with attacking the Londoners, who not being able to stand so vigorous a charge, immediately took to their heels. As the prince was animated with a desire of revenging the affront done the queen his mother by the London mob, he pursued them above four miles, without giving them quarter. But this revenge cost him dear. Whilst he pursued his victory, with more eagerness than discretion, the earls of Leicester and Gloucester gained the same advantage over Henry and the king of the Romans. The barons being sensible what their lot would be in case they were vanquished, attacked with a desperate fury the royal troops, who had not the same reason to fight with that animosity. Accordingly, they took to flight, after a faint resistance, leaving the two kings in the hands of their enemies. Henry surrendering himself to the earl of Leicester, and Richard to the earl of Gloucester, were conducted to the priory of Lewes, situated at the foot of the castle, which was guarded by some of the king's troops. To this place the soldiers of the royal army fled, in order to retire into the castle. But when they saw the town in the power of the barons, the two kings made prisoners, and in all appearance themselves going to be surrounded, they threw down their arms, and surrendered at discretion <sup>5</sup>.

Mean time, prince Edward, who was returning in triumph from the pursuit of the Londoners, was extremely surprized

Edward  
beats the  
Londoners,  
and pursues  
too far.  
M. West.  
Hemingf.  
W. Rib.

Henry and  
the king of  
the Romans  
made pri-  
soners.  
W. Rib.

<sup>1</sup> Together with William de Valence earl of Pembroke, his uncle, and John earl of Warren and Surry. This last, and William de Valence, Guy de Lusignan, Hugh Bigod, and many others, ran away during the fight, and escaped into France. M. West.

<sup>2</sup> With his son Henry. The king's standard was then a dragon. M. West.

<sup>3</sup> And the earl of Hereford and Essex. W. Rib.

<sup>4</sup> Gilbert de Clare, with John Fitz-John, and William de Montcanis.

<sup>5</sup> This battle was fought on the 14th of May. About five thousand persons

fell on both sides; and among the rest of the king's adherents, William de Wilton, the justiciary, Fulk Fitz-Warin; and of the barons side, Ralph Horingander, and William Blund, the earl of Leicester's standard-bearer. Besides those mentioned by Ra. in, the following persons of note were made prisoners, Humphrey de Bohun earl of Hereford, William Bardolf Robert de Tatteshale, Roger de Someri, Henry de Percy, Philip Basset, John de Baillol, Robert de Brus, John Comin, &c. M. Westm.



to see the royal army dispersed, and to hear the two kings were prisoners. His first thoughts were, to exert his utmost to free them. If this resolution could have been immediately executed, it would have infallibly changed the face of affairs. The conquerors, employed in guarding their prisoners, or dispersed in pursuit of the flying enemies, would have found it difficult to withstand a vigorous attack. But the prince's soldiers, dismayed at the defeat of the rest of the army, and the captivity of the two kings, showed no inclination to renew a fight which to them seemed too unequal. This fear, which all Edward's solicitations could not overcome, made him lose so fair an opportunity, wherein, very probably, he would have gained great reputation. Mean while, the earl of Leicester drew his army together again, with all possible expedition. At first, he thought only of defending himself, justly dreading to be attacked in his present disorder: but when he saw he had time to rally his troops, his only concern was to hinder the prince from escaping. To that end, he sent him proposals to amuse him, whilst, by several detachments, he took care to prevent his retreat.

Edward returning from the pursuit, suffers himself to be amused by Leicester, M. West. Heming. W. Rish. \*

Edward's uncertainty what course he should take, the opposition of his own troops, the time spent in trying to animate them, and the several messages from the earl of Leicester to amuse him, were the cause of his losing so many precious hours, which should have been employed either in fighting, or retreating in good order. But having done neither, he found himself on a sudden surrounded on all sides, and under a necessity of accepting conditions, which appeared tolerable in his ill situation. This negotiation, which lasted but a few moments, was ended by these articles: That the statutes of Oxford should be inviolably observed; yet so, that they might be amended by four bishops or barons chosen by the parliament: and if these four commissioners should not agree, they were to stand to the arbitration of the earl of Anjou, brother to the king of France, assisted by four French noblemen. Thus far all went well for the prince, but the last article was the worst, that himself and Henry his cousin, son to the king of the Romans, should remain as hostages in the custody of the barons, till all things were settled by authority of parliament. How hard soever this article was, Edward, who saw no remedy, was forced to consent to it. These articles, called the Mise, that is to say, the agreement of Lewes, were signed by Edward, and confirmed by the king, who was not in condition to reject them.

He can neither fight nor retreat.

Accepts of hard terms.

Annals of London.

The Mise of Lewes.

The

Leicester  
makes use  
of the king's  
name  
against the  
king him-  
self.  
Act. Pub.  
T. i. p. 790.  
&c.

The earl of Leicester having the king and almost all the royal family in his power, took all the advantages that his policy could suggest to him. He who a little before scrupled not to disobey the king, because he was directed by evil counsellors, now only used that monarch's name. He made him send orders to the governors of his castles to surrender them to the barons. He caused him to sign commissions to the sheriffs of the several counties, empowering them to take up arms against all that should dare to disturb the state, that is, against the king's own friends. In short, he who had been so troublesome to the king, on purpose to curb the exorbitant power he would have assumed, took it very ill that this same king, when guided wholly by his counsels, was not implicitly obeyed. Thus it is that men alter their principles and maxims, according to their interests, and as their affairs come to have a new face. But these are reflections that would too frequently occur, should we stay to make them every time there was occasion.

As the barons had no other view in the agreement of Lewes, but to secure the person of prince Edward, they were not very forward to perform it. On the contrary, they drew up a new plan of government, and resolved to have it confirmed by the parliament which was to meet on the 22d of June. The posture of the affairs of the kingdom rendered the calling of this parliament liable to many difficulties. Indeed it was done in the king's name, who could not oppose it. But the victorious barons were not willing, those of the contrary party should be summoned, under pretence, they were still in arms against their country. On the other hand, a parliament consisting only of part of those who had a right to sit there, seemed to want a lawful authority. It might be objected, that it was only an assembly of private persons. These difficulties put the barons upon contriving how to make this assembly more general, and give it a greater air of authority. They made the king sign commissions, appointing in each county certain officers or magistrates called Con-

To that  
purpose a  
parliament  
is summon-  
ed.

Conserva-  
tors esta-  
blished.  
Act. Pub.  
T. i. p. 80s.  
M. West.

servators, on pretence they were designed for preserving the privileges of the people. These officers, who depended wholly on the barons, were invested with great authority. Their commission empowered them to do whatever they should judge proper, to preserve entire the rights and liberties of the subject. This step being taken, the king was made to sign new orders to the conservators, to send up

By four knights of each county to sit in the ensuing parliament, as representatives of their respective shires. From hence many affirm, the original of the right of the commons to sit in parliament takes its date. They maintain, this is the first time, that the several counties undeniably appear to send representatives to the parliament: That all the reasons alleged to prove, the commons enjoyed this privilege before the year 1264, are subject to so many difficulties, that they cannot be said to amount to a clear proof. It seems, indeed, that a good reason cannot be produced, why the historians should unanimously take notice, that on this occasion there were in the parliament representatives of each county, if the same thing had been customary from the beginning of the monarchy, or at least from the Norman conquest. Why did they neglect to make the same remark on so many former parliaments mentioned by them? It is certain those, who pretend to find in the antient historians proofs of the people sending representatives to parliament, are forced to infer them from consequences which appear not always just.

Four knights of each shire sit in parliament. Original of the rights of the commons. Brady Hist. vol. ii. p. 649, & vol. i. p. 136. 143. Append. N. 210.

The new parliament thus composed, being entirely at the devotion of the confederate barons, failed not to approve of the projected form of government, namely, "That the parliament should appoint three wise and discreet commissioners, who should have power to chuse a council of nine lords, to whom the administration of the public affairs should be committed. That the king, by the advice of the commissioners, might change when he pleased, some, or all of the nine counsellors. That in case the three commissioners should not agree in changing or chusing the counsellors, the majority should decide it. That the resolutions taken by the nine counsellors should be in force, provided they were approved by any six of them. But if it happened, that six of them should not agree, the business in question should be brought to the three commissioners, who should determine it as they thought fit. That the king might change or turn out the three commissioners, provided it was with the consent of the community of the barons." Lastly, "That the nomination of all the public officers should belong to the nine counsellors." This ordinance was to take place till the parliament should unanimously agree to annul or alter it. It is pretended, the

The parliament approves of the barons plan. Brady's Appendix. N. 213.

The king and prince are forced to consent to it. An. Waverl. M. Wcd.

\* Rapin says, to nominate. But they were to be nominated or chosen by the assent of their respective counties. See the precept, Pat. 48. Hen. 3. m. 12, verso.

king

king and prince Edward were compelled to consent to it, the first by being threatned with deprivation, and the other with perpetual imprisonment. So, if they outwardly consented, it was only with a resolution to recant the first opportunity. Mean time the barons continued to govern the kingdom according to this model, imagining their affairs to be so firmly settled, as not to be easily shaken.

The barons  
refuse to re-  
ceive a  
legate.  
T. Wikes.  
M. West.  
W. Rish.

The last year, Urban IV. appointed for his legate in England cardinal Guido, bishop of St. Sabine. This legate at his arrival in France, received a letter from the earl of Leicester, informing him, it was no proper time for this legateship, and that neither the nobles nor the people were disposed to receive him. Though the legate was extremely offended at this refusal, he durst not however continue his journey. Indeed, there was no likelihood of his entering the kingdom against the consent of those who governed. Nevertheless he proceeded as far as Boulogne, where he summoned all the English bishops to appear, and give an account of their conduct. The bishops not thinking fit to obey the summons, he denounced against them the sentence of excommunication, from which they appealed to the pope. At length, the affairs of the kingdom being settled according to the barons desire, they thought it necessary to give the legate some satisfaction. To that end, they sent four bishops to acquaint him with their reasons for denying him entrance into the kingdom. These envoys found the legate extremely incensed against the barons. For answer, they had orders to return into England, publish the sentence of excommunication against the earl of Leicester, and put the city of London with all the earl of Gloucester's lands under an interdict. The bishops sending word to England of the orders received from the legate, were met at sea by people<sup>b</sup>, who pretending to be pirates, seized all their papers, and threw them over-board. This proceeding convincing the legate, it would be difficult to cause his master's authority to be regarded at such a juncture, he returned to Rome, where quickly after he was raised to the papal throne under the name of Clement IV.

Some En-  
glish lords  
revolt a-  
gainst the  
government  
of the  
barons.

Mean time, the earl of Leicester, who was at the head of the government, was under some trouble. The queen was making some great preparations in France to deliver the king. On the other hand the insurrection of some lords<sup>c</sup>, border-  
ing

<sup>b</sup> Belonging to the Cinque-Ports. ib. Audley, Roger de Clifford, Roger de  
<sup>c</sup> Roger de Mortimer, James de Leicbane, Haimo L'Estrange, Hugh de  
Turbiville

ing upon Wales, made him uneasy. He was apprehensive that the Welsh would interpose and assist the king's party. It was dangerous to leave the coasts open to the invasion of the foreigners, who being in Flanders, waited only for a wind to embark. But it was no less dangerous to suffer the insurrection in the marches of Wales to grow to a head. He resolved therefore to go in person against the rebels, whilst he ordered the militia to assemble in Kent, and oppose the queen's landing. His good fortune equally freed him from both these perils. Having gained to his interest Lowellyn prince of Wales, he vanquished the rebels, and compelled them to throw down their arms. He was no less fortunate with regard to the dreaded invasion. The contrary winds held so long, that the foreign troops on the other side the water, were forced to return home upon the approach of winter, without the queen's reaping the least benefit from the great expences she had been at<sup>d</sup>. All this while the king remained in the custody of the earl of Leicester, who disposed of him just as he pleased, making him act against his own interests, under colour that it was for the good of the public.

M. West.  
T. Wikes.  
Chr. Maitland  
W. Rish.  
p. 996.

Leicester reduces them.  
M. Westm.

The queen's enterprise comes to nothing.  
M. Westm.  
W. Rish.  
p. 997.

The barons, who had taken up arms against the king, purely on account of the exorbitant power he would have assumed, could not but be jealous of the earl of Leicester's, which was no less absolute. The earl of Gloucester, above all the rest, was highly displeased<sup>e</sup>. He looked upon Leicester as taking large steps towards the throne, under the specious pretence of the public good. For this reason he was afraid, in promoting his advancement of furnishing him with arms to his own, as well as to the destruction of others, who were no less jealous of his greatness. The disgrace of [Robert de Ferrars] earl of Derby, gave him cause to make these reflections. This earl, who was no friend to Leicester, was sent to the Tower, not so much for a punishment of the

Leicester suspected of aspiring to the crown. Gloucester turns against him.  
M. Westm.  
W. Rish.

Turbiville, with some others, who had made their escape from the battle of Lewes. M. West. W. Rish.

<sup>d</sup> Matthew of Westminster says, queen Eleanor had got together a great army, which was commanded by so many dukes and earls, as seems incredible, and those who knew the strength and number of that army affirmed, that if they had once landed, they would certainly have subdued the whole kingdom. But God (says our author) in his mercy ordered it otherwise. So true an Englishman was this author, though

he appears highly concerned for the king's interest, that he did not think it safe for the nation to have had the king restored by an army of foreigners. p. 388.

<sup>e</sup> That which most offended him was, That the earl of Leicester took to his own use the profits and revenues of the kingdom, and all the money that was paid for the ransom of prisoners, which, by agreement, was to have been divided between him and the earl of Gloucester. W. Rish. See Tyrel, p. 1039.

crime

crime laid to his charge, as for an example to those who should dare to censure the conduct of the principal governor. On the other hand, the earl of Gloucester fancied he saw, in the cold and reserved behaviour of Leicester towards him, a secret purpose to destroy him when an opportunity should offer. He was not only no longer called to the private councils but also had no farther share in the affairs, than what could not be denied to one of the greatest peers of the realm. These reasons, and above all, his envy at Leicester's greatness, led him to countenance the male-content in the marches of Wales, in order to employ them in opposing the ambitious designs of him whom he now considered as an enemy. The cabals he openly made, convincing Leicester, that he ought to omit nothing, to destroy the designs of so dangerous an enemy, he caused an order to be sent to all that had lately taken up arms against the establishment, to retire into Ireland. But they, instead of obeying, withdrew upon the lands of the earl of Gloucester, where they met with protection.

Leicester seems willing to set Edward at liberty.  
M. Westm.

A parliament called to that end.

To which are summoned two knights from each shire, and two burgesses from each borough.

Mean time, the earl of Leicester's enemies published in all places, that his rigorous treatment of the king, his brother, and prince Edward, was but too evident a proof of his pernicious designs. As these reports were prejudicial to the earl, he thought it necessary to efface these impressions, by shewing, he was very far from forming the ambitious projects ascribed to him by his enemies. To that purpose, he summoned a parliament, declaring, it was to consider of means to restore prince Edward to liberty. He intended by that to show, that since he was willing to release the heir to the crown, it was very unlikely he should have the pernicious views he was charged with. The calling of this parliament was remarkable, for that each county was ordered to send, as their representatives, two knights, and each city and borough, as many citizens and burgesses<sup>f</sup>. The assertors of the antiquity

<sup>f</sup> These writs of summons to the sheriffs of the counties, to return the knights of the shires and burgesses, are the first writs of this kind that are now extant on the Rolls, which made Dr. Brady infer, that they were the first that were ever issued, and that this parliament in the 49th of Henry III. was the first to which knights of shires and burgesses were summoned. But how truly, see the works of Mr. Petit, Mr. Tyrel, and Mr. Hody. It may be some satisfaction to the curious

reader, to see the first writs of summons, as they are extant in Dr. Brady, vol. i. p. 140. — "Mandatum est fin-  
" gulis vicecomitibus per Angliam quod  
" venire faciant duos milites de lega-  
" lioribus & discretioribus militibus  
" singulorum comitatuum ad regem  
" London, in octabis sancti Hillarii."  
" Rex baronibus & ballivis portus  
" sui de Sandwico, salutem. Cum pre-  
" lati & nobiles regni nostri tam pro  
" negotio liberationis Edwardi primo  
" gentis nostri quam pro aliis commu-  
" nitatem

quity of the house of commons infer from hence, that since the historians observe not that it was a new institution, it was therefore a customary thing. Others, on the contrary, pretend, if it had been usual, it would have been needless to take notice of this circumstance, after mention of so many parliaments, without the like remark. The reader will choose of these two consequences that which to him seems most natural.

When the parliament met, the earl of Leicester, who disposed in great measure of the votes, caused an order to be passed for the release of prince Edward. But it was clogged with a condition that rendered the favour of no use; namely, that he should remain with the king his father, and obey him in all things. This condition was a plain sign, it was only intended to dazzle the eyes of the public. And indeed, to ordain that Edward should be set at liberty, and yet continue with his father, who was himself a prisoner, was no better than changing, or at most, enlarging his prison. Pursuant to this order, the prince was taken out of Dover castle, where he had been confined ever since the battle of Lewes, and delivered to the king, that is, to the earl of Leicester. This is what is called giving him his liberty. In the mean time Henry continued in the custody of Leicester, who carried him about with him, and took all imaginable care to prevent his prisoners from escaping.

The late scene served only to increase the earl of Gloucester's suspicions, or rather fully to convince him that Leicester was paving his way to the throne. He would not however have broke with him yet, if an opportunity had not offered, where it would have been dangerous to dissemble. The two eldest sons of the earl of Leicester proclaiming a tournament for all the young nobles, the earl of Gloucester did not think fit to be present. He believed it to be only a device to draw him into some snare. Whether his suspicions had any foundation, or his prejudice made him consider them as plain proofs, he openly joined with the lords of the

Remark on that account;

Edward delivered to the king, who continues still a prisoner. An. Waverl. Rot. Cart. 49 H. 3. M. 5.

W. Rish. p. 996.

Gloucester declares openly against Leicester.

M. Westm.

"nitatem regni nostri tangentibus ad  
"instant parliamentum nostrum quod  
"erit London, in octab. sancti Hillarii,  
"convocari fecimus, ubi vestra sicut  
"& aliorum fidelium nostrorum præ-  
"sentia plurimum indigemus. Vobis  
"mandamus in fide & dilectione qui-  
"bus nobis tenemini firmiter in-  
"jungentes, omnibus aliis pretermis-  
"sistis ad nos ibidem quatuor de

"legalioribus & discretioribus portus  
"vestri. Ita quid sint ibid. in octab.  
"prædictis, nobiscum & cum præfatis  
"magnatibus regni nostri tractatum &  
"super præmissis consilium impensuri.  
"Et hoc, sicut honorem nostrum &  
"vestrum, & communem utilitatem  
"regni nostri diligitis, nullatenus omit-  
"tatis. Teste rege apud West. 20.  
"die Januar."

marshes of Wales, enemies to Leicester, and fortified his castles, as preparing for war. This proceeding furnishing his enemies with a plausible pretence to attack him, a proclamation was issued, declaring the earl and his adherents traitors and enemies to the state. Pursuant to this declaration; Leicester put himself at the head of an army, in order to punish these pretended enemies of the king. With this design he marched towards the Severn, and afterwards came to Hereford, carrying his two prisoners along with him.

Prince Edward escapes out of Leicester's hands.

Ast. Pub. T. i. p. 310.

W. Hem.

M. West.

W. Rish.

9. 297.

His great care to secure the king and his son, did not hinder the earl of Gloucester from projecting Edward's escape. He perceived as long as his enemy had the king in his power, he would make great advantage thereof. For which reason he thought it expedient to get the prince out of his hands, to oppose the authority of the lawful heir to the crown, to that of the captive king. Probably, he did not judge it so easy to free the king as the prince, or perhaps depended more upon the assistance of Edward than of his father. Be this as it will, he communicated his design to Roger Mortimer, one of the lords marches, who furnished him with means to put it in practice. Mortimer having many friends at Hereford, made Edward a present by a third hand, of a very swift horse, and withal acquainted him with the use he was to make of it, and the design for the recovery of his liberty. To second the project, the prince feigning himself ill, and to want exercise, desired leave to ride some horses. The earl of Leicester, who suspected nothing, granted his request, though with great precaution. Besides his usual guard, he ordered some gentlemen to keep always near him, and to have an eye upon him continually. Edward being come into the fields, immediately breathed two or three horses. Then he called for that lately presented him, and as if he had a mind to use him gently to his rider, walked him at some distance from his guard, being accompanied by the gentlemen who kept close to him. When he was come to a certain place which he had before carefully remarked, and which seemed proper for his design, laying the reins on his horse's neck, and clapping spurs to his sides, he so surprized those that attended him, that he was at a good distance before they were recovered from their astonishment.

He it is the earl of Gloucester, who makes him swear to redress the grievances,

However, they rid after him till they saw a troop of horse, sent by the earl of Gloucester, to favor his escape. Edward being thus freed, joined the earl of Gloucester, who received him with great joy and respect. Nevertheless, his view in procuring the prince his liberty, was not to re-establish the

arbitrary



arbitrary power usurped by the king. Accordingly he plainly <sup>Hemingf</sup> told Edward, he could not promise his assistance, unless he <sup>T. Wikes,</sup> would oblige himself by oath, to use his utmost endeavours <sup>P. 67.</sup> to restore the antient laws, and to banish all foreigners from about the king's person. Edward promised and swore it, in the presence of several barons, and then took the command of the troops raised by the earl of Gloucester.

Though the earl of Leicester was very sensible of what <sup>Leicester</sup> consequence the prince's escape might be, he pretended to be <sup>hides his</sup> unconcerned at it, and continued as before, to govern in the <sup>concerns.</sup> king's name. He issued under the great seal, all such orders as he judged expedient for the good of the state and his own interest; these two things being generally confounded by those who hold the reins of the government.

It would be needless to relate here all Leicester's precautions, to support himself in his authority, to enrich his friends; and to advance his creatures: It suffices to say in a word, that he omitted nothing that might turn to his advantage, or contribute to the baffling the designs of his enemies<sup>s</sup>. All <sup>He does all</sup> this was for his own sake, and with a view to his own <sup>he can to</sup> interest; but he did one thing very beneficial to the kingdom in <sup>support</sup> taking at length from the popes, the pretence, so long and <sup>himself,</sup> so successfully used by them, to enrich themselves at the ex- <sup>Rot. Pat.</sup> pence of the English. As he found the people had not for <sup>49. H. 3.</sup> the pope the same defence as formerly, he ordered a com- <sup>M. 13. 14.</sup> mission to be drawn up, empowering him to renounce in the king and prince Edmund's name all pretensions to the crown of Sicily. By virtue of this power, he made an authentic renunciation, of which he took care to give the pope notice in a letter from the king. <sup>He renoun-</sup> <sup>ces for</sup> <sup>prince Ed-</sup> <sup>mund the</sup> <sup>crown of</sup> <sup>Sicily.</sup> <sup>A. 8. Pub.</sup> <sup>T. i. p. 815.</sup>

Mean time the earl, foreseeing how fatal prince Edward's <sup>Edward's</sup> escape might prove to him, caused very severe orders to be <sup>forces in-</sup> published to all the king's subjects to oppose to the utmost of their power, prince Edward, the earl of Gloucester, and their adherents, who were all stiled traitors to the king and state. But notwithstanding this, many barons<sup>h</sup>, officers and soldiers, came and offered their service to the prince, who, in a short

<sup>s</sup> He made the king on the 30th of May, write letters to all his tenants in capite; and on June 7, to the guardians of the peace, and sheriffs of every county, to prohibit all people in general, from giving any aid or assistance, to his son Edward, the earl of Gloucester, or any of their confederates. See Brady's Appendix, N. 221, 222.

<sup>h</sup> The earl of Warren, William de Valence, and Hugh Bigot, who a little before had landed in Pembrokeshire, with a strong party came in to him; and also John Gifford, the second man to the earl of Gloucester in military affairs, brought a great number of horse and foot. T. Wikes.

Leicester  
flies before  
him.  
T. Wikes.  
p. 68.  
W. Rish.  
An. Waver.

Edward de-  
feats Simon  
Montfort,

and marches  
against the  
earl of  
Leicester.  
An. Waver.

Battle of  
Evesham.  
W. Rish.  
T. Wikes.  
An. Waver.

Leicester  
slain.  
Edward  
gains the  
victory, and  
frees his  
father.  
W. Heming.

time, saw himself at the head of an army superiour to that of the confederates. Then it was that affairs began to have a new face. The earl of Leicester, who a little before, had all the forces of the kingdom at his disposal, could not prevent Edward from becoming master of Gloucester and several other places. He was even forced to give ground to that young prince, who followed him from place to place, and to use all his policy and experience to avoid a battle. As he was a very good general, he took timely care to post himself so, as to be able to retreat, when he should be hard pressed. Mean while, he sent repeated orders to his son Simon, to quit the siege of Pevensey, which detained him in Kent, and come and reinforce him. Simon obeyed, and with his little army began to march with great expedition, to join him. But as he drew near Evesham, where his father was encamped, Edward having notice of his coming, suddenly fell upon him with all his forces, and cut in pieces this little body, which could not resist him<sup>l</sup>.

This victory animating the young prince with fresh ardour, he immediately returned to attack the father, before he had received the news of his son's defeat. He so deceived the vigilance of the old general, by this sudden resolution, that he was very near the enemies, when the earl imagined it was his son coming to his aid. Leicester's surprize was so great, that he could not help showing it. However he put every thing in a good posture of defence, perceiving that a retreat would be still more dangerous than a battle. The fight began about two in the afternoon, and lasted till night, notwithstanding the hasty flight of the Welsh, who deserted the at the very first onset. He sustained however, by his courage and conduct, the efforts of Edward, who fought with an astonishing valour, well knowing that the good or ill fortune of his life depended on the success of that day. At length, after a long resistance on the side of the barons, the earl of Leicester and his son Henry being slain on the spot, their troops were disheartened, and the prince obtained a compleat victory<sup>k</sup>. His joy at this success was the greater, as during

<sup>l</sup> T. Wikes says, the prince, marching all night, came by break of day to Kenelworth, and set upon Simon and his men who were then in their beds, and killed and took prisoners most of them, the chiefest of whom were Robert de Vere, William lord Munchansy, and Adam of Newmarket. Simon escaped into the castle,

<sup>k</sup> In this battle were slain, Hugh d'Espenser the justiciary, Peter de Montfort, William de Mandeville, Ralph Bassett, John de Beauchamp, Roger de St. John, Walter de Creppinge, William de York, Robert de Tregor, Thomas de Hottelac. Guy de Balliol, Roger de Roulce, &c. The prisoners were, Guy de Montfort, the earl's third

during the heat of the battle, he had the satisfaction to deliver his father from the captivity he had been in ever since the battle of Lewes. The earl of Leicester, who durst not suffer his prisoner out of his sight, had been so cruel, as to expose him to the danger of the battle, in which he was wounded in the shoulder. Nay, it is said he was going to be killed by a soldier, who knew him not, if an officer had not run to his assistance, upon his crying out to the soldier, "Don't kill me, I am Henry of Winchester, thy sovereign." Edward, who was not far from the place, being informed of his father's peril, ran thither immediately. He left him to a strong guard, and asked his blessing, returned to the battle, that he might not lose so precious a time.

This battle was fought near Evesham on the 4th of August, 1265, fourteen months after the battle of Lewes, wherein the king lost his liberty. The body of the earl of Leicester being found among the dead, Roger Mortimer was so inhuman as to mangle it in a barbarous manner. At last he cut off the head and sent it to his wife, as a certain token of his being revenged of his enemy. Such was the end of Leicester, who, though a foreigner, found means to make himself the most considerable peer in the kingdom, and was even suspected of aspiring to the throne. But of this however there is no certain proof, the reports that were spread being built only on suspicions, and perhaps calumnies. But it cannot be denied, that he abused his power, and the confidence of his friends and colleagues. At least he discovered by his conduct, that he was not so great an enemy to arbitrary power, as he pretended, when placed at the head of the confederates. This is no proof however of his aspiring to the crown. Certainly this earl had noble qualities. If he was like his father in valour and bravery, at least he resembled him not in cruelty. He always expressed so great a regard for the monks, that after his death they would have sainted him, at any rate, pretending that many miracles were wrought at his tomb. A modern historian assures us, he saw in an ancient manuscript several prayers directed to him as a martyr. This opinion was so spread among the people, that the pope was forced to use all his authority to put a stop to that superstition. However this be, as we are uncertain of the motive

W. Heming.  
p. 587.

T. Wikes.  
An. Waver.

Reflections  
on the earl  
of Leicester.

The monks  
look upon  
him as a  
martyr.

Tyrel.

third son, John Fitz John, Humphrey de Bohun, Henry de Hastings, John de Vesci, Nicholas de Segrave, Baldwin Wake, &c. Ann. Waverl.

<sup>1</sup> Tyrel says, he had seen at the end

of a manuscript in the public library at Cambridge, certain prayers directed to him as a saint, with a great many rhyming verses in his praise. Vol. II. p. 1052.

of the earl's actions, we are no less so, whether he was more worthy of blame than of pity. If in taking up arms against the king his sovereign and benefactor, he was swayed by ambition, one cannot sufficiently detest his ingratitude to a prince his brother-in-law, who had loaded him with favours. But if he headed the barons solely with a view to the good of the public, and to free the kingdom from manifest oppression, doubtless there would be some, who would not want plausible reasons to justify his conduct. Mean while, without examining his motive too closely, modern writers, for the most part, inveigh bitterly against him, and the English Cataline is the best name they afford him. But this is no more than what we are to expect from most historians, who generally dedicate their works to kings, queens, prime-ministers, favourites.

The confederate barons are persecuted, and their estates confiscated.

Rot. Pat.  
4. H. 3. m.  
8. Dorlo.  
London  
severely  
chastised.  
An. Lond.  
T. Wikes.  
M. West.

The defeat of the confederates entirely changed the face of affairs. Those who a little before were persecuted, became persecutors in their turn. They plagued their enemies a thousand ways, and made them endure many hardships. The king, who was naturally revengeful and greedy of money, was extremely impatient to be revenged of those who had offended him, and to seize their spoils. To that end he called a parliament<sup>m</sup>, which wholly consisting of his creatures, granted him the confiscation of the estates of the rebels<sup>n</sup>. The city of London was not spared. The parliament having decreed that she deserved to forfeit all her privileges, she was left to the king's mercy, who took away her gates, chains, magistrates, and exacted a large sum of money<sup>o</sup> from the citizens, to restore again what he had taken from them. The confederate barons seeing themselves exposed to a revenge, which probably would have no bounds, were in the greater consternation, as they saw no remedy in their distress. Simon de Montfort, eldest son of the earl of Leicester, did not question

<sup>m</sup> On September 14 at Winchester, where he came from Worcester. At this parliament were summoned the bishops, abbots, and priors; all the great men of the kingdom; and the wives of the earls, barons, and knights, that were either slain, or taken prisoners in the late war. But the bishops of Lincoln, London, Worcester, and Chichester, were not summoned, because they had been too deeply engaged with the barons. This parliament was afterwards adjourned to Windsor, and then to Westminster. *Ann. Waverl.*

<sup>n</sup> Whereupon the king appointed two commissioners, who, with the sheriff, were to return the extent of the rebels lands, with the names of them, and of the owners, to himself at Winchester by the 13th of October; and they were to appoint two collectors in every hundred, to collect the Michaelmas rents. See Brady's appendix, N. 223.

<sup>o</sup> Twenty thousand marks. *Ann. de Lond.* None of the money went into the king's exchequer, but was paid to some persons in France, who had supplied the queen in money, during her absence beyond sea. *T. Wikes.*

but he should be attacked one of the first, considering the king's hatred to his father and his whole family. In this belief, he endeavoured betimes to gain Richard king of the Romans, whom he had in custody in Kenelworth castle, by releasing him without a ransom. This example turned to the advantage of several prisoners of the battle of Lewes, who were likewise set at liberty with the same view by their keepers<sup>p</sup>.

Mean time, the king was revenging himself on those that had taken arms against him, by seizing their estates, which he kept to his own use, or bestowed them on his favorites. Without regarding the consequences, he entirely gave way to his passion, not considering, that people reduced to beggary are not far from despair. He would have done better in imitating the prudent conduct of the earl of Pembroke his first governour, who restored to the vanquished barons their estates, for fear of exposing the kingdom to fresh troubles. But Henry was not of that character. It was not his fault that he lost not the fruits of his son's victory over the barons, by refusing them the least favour. Simon de Montfort, perceiving his case desperate, left the castle of Kenelworth, with a strong garrison, and assembling some remains of his father's army, threw himself into the isle of Axholme in Lincolnshire. As it was easy to fortify that place, he soon put it in condition to serve for refuge to himself and friends. Great numbers resorted to him daily, who at length began to make their enemies uneasy.

Whilst the court was preparing to hinder the consequences of this new revolt, the queen arrived from France, where she had retired with prince Edmund her son, after the battle of Lewes. She was quickly followed by a legate<sup>q</sup>, who in a few days convened a synod, and solemnly excommunicated the late earl of Leicester and all his adherents, as ~~well dead~~ as alive<sup>r</sup>. Clement IV. finding the English tired with supplying money for the conquest of Sicily, thought it convenient to save the honour of the holy see, which had suffered by prince Edmund's renunciation. For that purpose he gave the king notice by his legate, of a bull of Urban his predecessor, revoking the grant to the prince his son. He had kept this

An. Waver.  
T. Wikes.

The king  
revenges  
himself on  
his enemies.  
T. Wikes.  
p. 74.

1266.  
The queen  
arrives, and  
is followed  
by a legate,  
who excom-  
municates  
the rebel  
barons.  
The pope  
revokes the  
grant of  
Sicily.  
T. Wikes.

<sup>p</sup> Except those that were imprisoned in the castles of Dover and Kenelworth. The widow of Hugh le Despenser set at liberty all those she kept confined in Wallingford castle, and retired to Philip Basset her father. T. Wikes.

<sup>q</sup> Othobon. Ibid.  
<sup>r</sup> At the same time, a parliament was held at Northampton in November, wherein all the earl of Leicester's adherents were disinherited. Hemingford.

and invests  
the earl of  
Anjou with  
it.

bull private, because he was willing to see the issue of a negotiation with Charles earl of Anjou, to whom he gave this year the investiture of the two Sicilies. Henry, who had quitted his pretensions, only as forced to it by the earl of Leicester during his captivity, could not without regret see himself obliged to renounce his hopes. But he could not help it.

Remark on  
the affair  
of Sicily.

Thus ended at length the affair of Sicily, which had been to the popes a fertile source of oppressions upon the people and clergy of England. If it cost the English immense sums, they reaped at least this benefit by it, that it sensibly lessened their good opinion of every thing that flowed from the court of Rome, and taught them to be more upon their guard for the future against her usurpations. This is what we shall have occasion to know more particularly in the following reigns, where we shall see the English much less tractable with regard to the popes. It may be said, further, that this affair was the principal cause of the misfortunes to which Henry was exposed for so many years, and withal, of the solid establishment of the great charter, which from thenceforward was but feebly attacked. Had not Henry been under a necessity of satisfying the avarice of the popes, he would have less oppressed his subjects, and the barons would have wanted the most plausible pretence of their confederacy. It is very strange, so interesting a fact as the pope's grant to prince Edmund should be unknown to the historians of Naples and Sicily. There is but one that just mentions it, and even he is mistaken in the name of the English prince, to whom he says the pope would have given Sicily. Villani, an historian of note, recites the pope's speech to the cardinals, to induce them to approve of his design to invest Charles of Anjou with the two Sicilies. In this harangue, the pontiff represents to them, all the injuries sustained by the church from Manfred, the necessity of destroying the house of Swabia, and the advantages which would accrue to the church, if these kingdoms were given to a prince who was able to undertake her defence. One would think, this was a very natural occasion, to mention the endeavours of his predecessors to dethrone the usurper, by the king of England's assistance, in giving the crown of these kingdoms to one of his sons. But he says not a word of the matter. What therefore can be inferred from this silence of the pope, and the Neapolitan and Sicilian historians, but that the court of Rome never really intended to procure that crown for prince Edmund, and that her sole aim

was to drain England of money, under so frivolous a pretence?

As Montfort's retreat to the isle of Axholme, might be attended with such consequences as required prevention, prince Edward was sent with an army into those parts. It was not easy to dislodge the male-contents from a place so strongly fortified both by nature and art. However, the prince failed not to accomplish it. After an obstinate defence the besieged were constrained to surrender, on condition their lives and limbs were spared. As to their estates, it was agreed they should submit to the judgment of the king of the Romans, and prince Edward. The capitulation being signed, Montfort was brought to the king, and found a powerful mediator in the king of the Romans. This prince affirmed, that after the battle of Evesham, the garrison of Kenelworth would have murdered him, if Montfort had not hindered it at the peril of his own life. Then he entreated the king to pardon him, in consideration of his having generously released him, without a ransom. It is said, Henry moved with Montfort's good offices to the king his brother, was inclined to restore him to favour, if the earl of Gloucester had not boldly opposed it. As it was necessary to keep fair with Gloucester, as well as with the king of the Romans, it was resolved in council, that Montfort should have liberty to depart the kingdom, and the king should grant him a yearly pension of five hundred marks\*, provided he delivered up Kenelworth-castle. But it was not in his power to perform this condition, because the garrison refused to obey him. All the other rebels in Axholme were pardoned, upon their swearing, never more to bear arms against the king: an oath which was afterwards very ill kept. This affair being over, the kingdom enjoyed great tranquillity. Montfort seemed satisfied with his lot. But shortly after, whether out of inconstancy, or because he had not wherewithal to subsist, he joined with certain pyrates of the Cinque-Ports, who gave him the command of their ships, with which he plundered, without distinction, all the merchant-men that came in his way. As it plainly appeared, that the inhabitants of the Cinque-Ports countenanced these pyracies, the king sent prince Edward to chastise them. But the prince found means to reduce them to their duty, without using force†, by promising obedience.

\* Four hundred pounds of silver, from the revenues of the earldom of Leicester.

† The Annals of Waverley say, Edward had an engagement with the inhabitants of Winchelsea, wherein great numbers

misgiving them a general pardon, and the confirmation of their privileges, for which they renewed their fealty to the king.

Several insurrections.  
T. Wikes.  
Hemingf.

The male-contents  
seize the isle  
of Ely.

How successful soever the king's arms might be, peace could not be said to be fully restored to the kingdom, since Kenelworth-castle was still in the hands of the male-contents. There was likewise in the northern counties, a troop of armed men, who obliged the king to send against them Henry, eldest son of the king of the Romans. This young prince made such speed that he surprized the rebels, and killing the greatest part, dispersed the rest. He could not however seize the ring leaders<sup>a</sup>, who joining with other male-contents, and particularly those of Axholme, became masters of the isle of Ely in Cambridgeshire. From thence they made continual inroads into the neighbouring countries, committing great ravages.

A brave and  
generous action of Edward.  
M. West.  
W. Rich.  
T. Wikes.

At the same time, another rebel Adam [de Gurdun,] taking up arms in Hampshire, Edward marched into those parts, where he had occasion to give sensible proofs of his courage and generosity. In a battle with the rebels, Adam, who was strong and valiant, attacked the prince, and obliged him to use all his dexterity and valour. The single combat was not interrupted, till Adam, being down on the ground, was forced to yield himself prisoner to the prince<sup>b</sup>. This act of bravery in Edward was immediately followed by another of generosity, which gained him no less honour. Without suffering himself to be transported with a desire of revenge upon a man who had put him in so great danger, he generously gave him life and liberty. Adam sensibly touched, as he ought, with this favour, served him faithfully ever after<sup>c</sup>.

The king  
besieges  
Kenelworth.  
T. Wikes.  
An. Waverl.

The garrison of Kenelworth was become so formidable, and withal so odious, by their outrages committed in the neighbouring country, that the king's council resolved the castle should be invested, and the siege of Ely deferred. The king was extremely incensed with the governor of Kenelworth for insolently cutting off the hand of a herald, sent to

numbers were slain and drowned, and their leader, Henry Pehune, taken, whom prince Edward ordered immediately to be hanged; but was persuaded by Gilbert de Clare to spare his life.

<sup>a</sup> Robert earl of Ferrars was taken at Chesterfield, and sent prisoner to Windsor castle. T. Wikes.

<sup>b</sup> It seems the prince, when he came up with the rebels between Farn-

ham and Alton, hastily leaped over a ditch or trench which surrounded their camp, and his forces not being able to follow him presently, he was obliged to fight thus hand to hand with Adam, Ibid.

<sup>c</sup> T. Wikes says, he sent him in chains to Windsor castle, there to keep earl Ferrars company,

summon



Summon him to surrender. His desire to punish him, made him resolve to go in person to this siege, imagining his presence would strike the greater terror into the besieged. But they defended themselves so stoutly, that after a six months siege, there was no appearance of forcing them to capitulate. This vigorous resistance caused the siege to be turned into a blockade. Mean time, the king continued in the town, of which he was master, expecting that hunger would compel the garrison to surrender.

During the blockade, Henry called a parliament at Kenelworth<sup>1267.</sup>, to consider of means to reduce the rebels of Ely, <sup>A parliament at Kenelworth.</sup> by offering them an easy composition, or by force, in case they rejected the offer. To that end the parliament drew up certain articles, containing the terms on which the king was <sup>Terms offered to the male-contents of Ely;</sup> to grant a general pardon<sup>2</sup>. These terms were very moderate, considering the present circumstances. To have possession of their estates again, some were to pay five years value, some three, others but one. But whether the male-contents could not depend upon the king's word, or thought these conditions too hard, they refused to accept them. <sup>who reject them, M. West. T. Wikes. W. Rish.</sup> They even took occasion from thence to increase their outrages, and had the boldness to make an excursion as far as Norwich, from whence they carried away above twenty thousand pounds sterling<sup>3</sup>.

Those of Kenelworth, though closely blocked up, and forced to eat their horses, relying on the assistance promised by Simon de Montfort, held out so long a siege with an invincible resolution. At length, when they could withstand no longer the hunger by which they were pressed, seeing no likelihood of assistance, they capitulated to deliver up the castle, in case they were not relieved within forty days. Mean time, they were to be furnished with provisions. The term being expired, they came out of the castle so pale and

<sup>1</sup> August 24. In this parliament the king confirmed the charter of liberties, and demanded the tenths of the revenues of the clergy, for three years.

<sup>2</sup> These articles were called Dictum de Kenelworth, and were to be put in execution by persons nominated by the king and barons assembled in parliament; and if any contest arose, Othobon the pope's legate, and Henry, son to Richard king of the Romans, were to be joined to them. These persons were, the bishops of Bath, Worcester, Exeter, St. David's; Roger de Sumeri, Robert Waleran, Alan de

la Souche; the earls of Gloucester, Clare, Hereford; John de Balai, Philip Basset, Warin de Bassengeburne. This decree or statute of Kenelworth is to be seen at large in a manuscript copy in the Cottonian library, and in Tyrrel, p. 1064, 1065. It was published in the camp before Kenelworth, Oct. 31.

<sup>3</sup> They did the same by the towns of Cambridge in their return to Ely, carrying away not only several Jews, but also the richest of the townsmen, whom they kept prisoners, till they would ransom themselves at exorbitant rates. T. Wikes.

meager,

meager, that it could not be conceived, that a garnison in so wretched a condition should have the assurance to demand such a capitulation<sup>b</sup>.

The earl of  
Glocester  
takes mea-  
sures against  
the king.  
W. Rish.  
M. West.

The taking of Kenelworth, and the hopes of speedily reducing the rebels of Ely, made the king forget his past misfortunes, as well as his son's engagement for him, with the earl of Glocester. Edward himself, though more particularly concerned, by reason of his oath, was more intent upon reducing the male-contents of Ely to the king's obedience, than upon executing his promises. The earl of Glocester observed with extreme regret, that as the king's affairs prospered, the father and son acted with less moderation, and were more ready to stretch the prerogative royal beyond the bounds prescribed by the laws. What he had done for the king and prince, was not so much to enlarge the royal power, as to prevent the earl of Leicester from paving his way to the throne. This was very evident, from the oath he required from prince Edward. The king's conduct, who was returning to his former courses, convincing him that if the male-contents were once reduced, it would be very difficult to confine the sovereign within the bounds of an authority limited by the laws, he thought it necessary to oppose his progress in time. Thus resolved, he retired to his own estate on the borders of Wales, where he made a league with Lewellyn, and some neighbouring barons. After this, he sent word to the male-contents of Ely, that he would endeavour to relieve them.

His absence and preparations could not but give some umbrage to the court. Nevertheless as he concealed his designs under the pretence of a quarrel with Mortimer, he still left room to doubt of the motives of his armament. Mean time, though policy and good sense required that the king should try to give some satisfaction to so considerable a lord, all his thoughts were engrossed about means to reduce the rebels of Ely; not so much to restore the public tranquillity, as out of impatience to render himself more absolute than ever. He plainly perceived, he could not attain his ends, whilst a body of rebels were in arms in the midst of his dominions. Wherefore he convened a parliament, to take measures about quelling the male-contents. The earl of Glocester's refusal to be present, made the king uneasy, who sent some lords to

Here refuses to  
come to par-  
liament;  
W. Rish.

<sup>b</sup> The king bestowed this strong castle, which was forfeited to him by the late earl of Leicester, upon earl Edmund his second son, whom he had

created some time before earl of Derby, upon the attainder of Robert de Ferrars. T. Wikes, Rymer's Fed. T. i. p. 230.

admonish

admonish him to come and take his seat. These lords found the earl very busy in raising an army, and as they shewed their surprise at it, he told them for their satisfaction, that the troops were designed against Mortimer his enemy. Nay, he scrupled not to give a writing under his own seal, whereby he engaged never to bear arms against the king<sup>c</sup>. By this means, he removed all suspicions that were entertained of him. This fear being vanished, the king and parliament thought of nothing but how to besiege Ely, the only thing that still gave them any disturbance. The resolution that was taken, of vigorously pushing the siege, furnishing the king with a plausible pretence to demand an aid, the parliament granted him a very considerable supply<sup>d</sup>. Although the legate had not the same reasons, he pressed the clergy, however to grant the same aid to the pope. This unreasonable demand extremely provoked the prelates. They not only refused to comply, but committed to writing the reasons of their denial, which were not much for the honour of the court of Rome.

and amuses the king's messengers.

The parliament grants a subsidy. An. Waverl.

The legate demands one of the clergy, but he is denied.

As soon as the parliament broke up, the king took the field at the head of his army. He advanced as far as Cambridge, where he halted to summon the rebels of Ely to return to their duty. But their answer plainly discovered, they were not easily to be frightened. This resolution, and the situation of the isle of Ely, which had formerly very much embarrassed William the Conqueror, abated his warlike ardour, and caused him to wait<sup>e</sup> the coming of his son, who was then at York<sup>f</sup>.

The king marches to Cambridge. W. Rish. M. West.

Whilst the king was at Cambridge, the earl of Gloucester headed the army, raised on his own lands, and in Wales. He forthwith marched towards London, and with that expedition, that he entered the city before they had time to hinder him, and even before they knew whether he acted for or against the king. It is however probable, the magistrates and principal citizens were not ignorant of his designs. Be this as it will, the earl, leaving every one to make his own

The earl of Gloucester becomes master of London, and of the Tower. M. West. An. Waverl. T. Wikes.

<sup>c</sup> He exhorted the king in the same writing, to remove foreigners from his person, to cause the Oxford-provisions to be observed, and to perform his promises to him at Evesham. W. Rish.

<sup>d</sup> The tenths of the goods of all ecclesiastical and religious persons, for three years; except the templars, hospitalers, and Cistercians. An. Waverl.

<sup>e</sup> At Cambridge, where he removed;

after having in vain endeavoured to reduce the isle, by water, with ships, got together from Ipswich, Dunwich, Yarmouth, and Lin. T. Wikes.

<sup>f</sup> Employed in reducing John de Vesci, one of the disinherited barons, who had raised some forces in the north, and recovered his castle of Alnwick, and other lands adjacent. T. Wikes.

He publishes  
a manifesto  
against the  
king.

Edward  
joins his  
father.  
M. West.

The royal  
army in-  
creases.

Glocester  
makes his  
peace.  
A. S. Pub.  
T. i. p. 841.  
T. Wikes,  
p. 82.

conjectures, approached the Tower, the custody whereof was by the king, committed to the legate. He summoned him to deliver it up immediately, alledging, it was not a post to be trusted in the hands of a foreigner, much less an ecclesiastic. The legate, surprized at this unexpected summons, made a show of defending himself. But as he wanted provisions, and the earl had strictly forbid the sending in any, he was quickly constrained to surrender. As soon as the earl was master of the Tower, he was not so careful to conceal his designs. Besides, as several of the male-contents daily joined him, it was visible, his intention was not to act for the king's interest. At length, he pulled off the mask, and published a manifesto, declaring, he had taken up arms to obtain reasonable terms for the male-contents. Moreover, he complained of the king and prince, affirming, his design was to oblige them to the better performance of their promises. Surprised at this fresh revolt, Henry sent pressing orders to his son, to join him immediately, being in continual fear of an attack. He did not think himself in a condition to come off with honour in an affair of this nature, if forced to a battle. These orders meeting the prince in his return from the north, where he had finished his affairs obliged him to march with all speed to the king's relief<sup>a</sup>. As soon as they were joined, they advanced towards London, and encamped at Stratford, within three miles of the city. The universal esteem for Edward among the nobles and people rather than their affection for the king, caused, in a very short space, the army to be considerably increased<sup>b</sup>. For this reason the earl of Gloucester continued in London, from whence he durst not stir, for fear of engaging at a great disadvantage<sup>c</sup>. He had been in hopes, the whole kingdom would join him, and the king be suddenly deserted by his own troops. But finding he had relied upon uncertain assistances, and his friends began to forsake him, he timely applied to the king of the Romans, by whose intercession he obtained much better terms than he had reason to expect. He was not only

<sup>a</sup> They were called then, The Disinherited.

<sup>b</sup> Bringing along with him thirty thousand men from Scotland, and the north of England. M. West.

<sup>c</sup> The earls of Boulogne and St. Paul brought him two hundred knights, with their retinue; and an army of Gascons came up the river with several large ships, well fitted and armed. Ib.

<sup>d</sup> In the mean time the earl's party in London went and plundered Kent and Surry, and brought great store of provisions into the city; and the rabble spoiled the king's palace at Westminster, breaking the very windows and doors; and either killed, or drowned in the Thames, all those they suspected. T. Wikes.

forgiven,

forgiven, upon laying down his arms, but had the satisfaction also to get the city of London included in his pardon, which otherwise would doubtless have been severely punished. He would fain have procured the same favour for the rebels of Ely, but the king and prince being inexorable, he was forced to abandon their interests.

This affair being ended more happily than there was room to expect, Edward approached the isle of Ely. As the malecontents had no prospect of relief, they chose to surrender, before they were reduced to extremity. The only condition granted them, was the saving their lives and limbs. Thus were extinguished the troubles that had for five years disturbed the kingdom.

Ely rebels  
surrender.  
T. Wikes.

The end of  
the barons  
wars.

Henry, having an army ready, resolved to correct the insolence of the prince of Wales, who, during the late troubles, had assisted the rebels. To this end he advanced as far as Montgomery, where Lewellyn sent ambassadors to sue for peace. His offer to pay the king thirty-two thousand marks, and do homage for his principality, was an inducement to hearken to his proposals. But, besides what he had offered, he was obliged to deliver up certain castles, convenient for the king.

Treaty of  
peace with  
Wales.  
W. Rish.  
A.G. Pub.  
T. i. p. 240.

The peace of the kingdom being thus restored, the king summoned a parliament, where Ottobon the legate was present. He informed the assembly that the pope was resolved to publish a crusade in all the christian states, and took occasion from thence to exhort the English to contribute their money and persons towards the expedition, the sole end whereof, was the glory of God, and the good of the church. The tranquillity England began to enjoy, caused great numbers to engage in the undertaking, especially, when they saw prince Edward, and Henry son of the king of the Romans, receive the cross at the hands of the legate. The earls of Warwick and Pembroke, and above a hundred and twenty knights, followed the example of the two princes, besides an infinite multitude of persons of inferior quality. The legate having no farther business in England, returned to Rome, and the king of the Romans took his third journey to Germany.

1268.

Edward  
takes the  
cross to go  
to the Holy  
Land.  
W. Rish.

Whilst the croises were preparing for their voyage, the king assembled a parliament at Marlborough, where a body of statutes were enacted, which make a considerable figure among the laws of England<sup>1</sup>.

Statutes of  
Marlboro-  
rough.  
W. Rish.

Before

<sup>1</sup> The statutes of Marlebridge, now 18. An. 52. H. 3. 1267. In the press  
Marlborough, were made November face they are said to be made by the  
advise.

Death of  
Clement IV.  
M. West.  
Battle of  
Celano.  
M. West.  
W. Rish.

Before we proceed to the events of the next year, it will be necessary to take notice of the death of pope Clement IV: which was followed by a vacancy of three years. It was also this year that the famous battle near the lake of Celano was fought, between Charles of Anjou, the new king of Sicily, and Conradin son of the emperor Conrade. Young Conradin having the misfortune to be vanquished and taken prisoner, Charles was so cruel as to cause his head to be struck off<sup>a</sup>.

Edward en-  
gages to  
accompany  
the king of  
France to  
the Holy  
Land.  
A. A. Pub.  
Tit. p. 858.

The crusade was not only published in England, but also in all the christian states, and particularly in France. St. Lewis was to command: The ill success of his expedition into Egypt, not cooling his zeal, he had never ceased, since his return, to think of means to carry war once more into the country of the infidels. Prince Edward's taking the cross, put Lewis in hopes of better success, if he could persuade him to join him. To that purpose, he desired him to come to Paris, where he communicated to him his project. Edward wished for nothing more than to join forces with so powerful a prince, and to command under him. But he intimated to him, that he could not be ready soon enough, for want of money for the voyage. Lewis, glad to find there was no other objection, lent him thirty thousand marks, for which Edward mortgaged to him the revenues of Bourdeaux for seven years. This agreement being made, Edward returned into England. The king his father had now assembled a parliament, which granted him a twentieth of the moveables of the kingdom, part whereof was to be employed towards the charges of the prince's expedition.

Lewis lends  
him money.  
W. Rish.

Subsidy  
granted  
the king.  
T. Wikes.

Second mar-  
riage of the  
king of the  
Romans.  
T. Wikes.

1269.  
The body of  
St. Edward  
removed to  
the new  
church.

Before Edward was ready for his departure, the king of the Romans arrived with a new wife, he had married in Germany not so much for her riches as her beauty<sup>a</sup>.

A little before the departure of the croisces, Henry caused the relics of Edward the Confessor, for which he had a particular veneration, to be removed. This ceremony, to which all the considerable men of the kingdom were invited, was performed with great pomp. The shrine of the saint,

advice and consent of the more discreet men of the realm, as well of the higher as of the lower estate; which last Tyrrel understands of the house of commons, or knights of the shire and burgesses. These statutes chiefly aim at reforming the abuses crept in during the late troubles, and are divided into twenty-nine chapters, as the reader may learn large in our law-books.

<sup>a</sup> Conradin had escaped in disguise, but was betrayed to the conqueror, who upon his going to the Holy Land, ordered him to be beheaded in the market-place of Naples.

<sup>a</sup> Her name was Beatrix, daughter of Theodorick de Falkenroite, a German of great Reputation. They were married June 16. T. Wikes.

adorned

adorned with precious stones, was carried on the shoulders of the king himself, and his brother the king of the Romans, with the princes, and chief lords, and placed in the new church of Westminster, which was just finished, and rendered the most stately church then in Europe \*.

M. West.  
W. Rish.  
T. Wikes.  
An. Waverl.

The calm England enjoyed for some time, was like to be disturbed by the suspicions the earl of Gloucester entertained of prince Edward: the earl not believing the prince was heartily reconciled to him, kept from court, and always found some excuse to be absent from the parliaments. This behaviour made the king very uneasy, who was afraid the earl had still a design to break the peace. But the king of the Romans freed him from his fears, by procuring a perfect reconciliation between the two enemies †.

1270.  
The king of the Romans reconciles Edward to the earl of Gloucester.  
T. Wikes.  
p. 89, 90.  
&c.

Whilst these things passed in England, the king of France altered his design. Instead of going directly to the Holy Land, according to his first intention, he sailed to Africa, at the instance of Charles king of Sicily, his brother, who was at variance with the king of Tunis. He expected the African prince to pay him the same tribute as his predecessors had paid to the emperor, with all the arrears that were due. To support these pretensions, Lewis landed his army in Africa, and was preparing to besiege Tunis: but the Moorish king chose rather to promise what was demanded than hazard the loss of his dominions.

St. Lewis lands in Africa to besiege Tunis.  
T. Wikes.  
Vignier.

Lewis was sailed for Africa when Edward departed from Portsmouth to take the princess his spouse at Bourdeaux, from whence they went and embarked at Aigues Mortes, where their fleet waited for them. They joined the king of France before Tunis, where he was staying for the performance of the treaty with the Moors. How urgent soever Edward was to persuade him to continue his voyage to

Edward goes to join the king of France, and leaves him in Africa.  
M. West.  
W. Rish.  
T. Wikes.  
Hemings.  
C. Mailles.

\* The shrine was of gold, and no doubt remained there till the 27th of Henry VIII. when all such shrines and relics were removed as superstitious. This translation was performed on the 13th of October, as marked in the calendar. T. Wikes.

† A very remarkable accident happened this year, which, though it is of a private nature, may be worth mentioning. A suit had been long depending between John earl of Warren and Surrey, and Alan lord Zouche, concerning a certain manor; which coming to a trial before the king's justices in Westminster-hall, there happened to pass

very reproachful language between the earl and the said baron; and they at last came to blows, inasmuch that the earl and his followers, being privately armed, set upon the lord Zouche and his eldest son in open court, and wounded them both. After which base action, he fled to his castle of Rygate in Surrey, and stood upon his defence, but prince Edward was sent with some forces to reduce him to obedience; and at last he was fined five thousand pounds to the king, and two thousand to the lord Zouche and his son. T. Wikes, p. 92. An. Waverl. p. 225. Mat. Westm.

grief for the tragical death of his son threw him into a fit of sickness, which laid him in his grave. Edmund, his other son, succeeded him as earl of Cornwall, with which title he was invested by the king his uncle<sup>a</sup>.

**Sedition at  
Norwich.**  
W. Rish.  
M. West.  
T. Wikes,

Shortly after, there was a sedition at Norwich, occasioned by a quarrel between the citizens and monks, in which the cathedral and monastery adjoining were reduced to ashes by the townsmen. Henry, resolving to punish this riot, went in person to Norwich, where he caused the offenders to be hanged<sup>y</sup>. In returning to London, he was seized at St. Edmundsbury with a languishing distemper, which not seeming dangerous, hindered him not from continuing his journey to London. But his sickness encreasing after his arrival, he died in a days, aged sixty-six years, whereof he had reigned fifty-six, and twenty days. He ordered that his body should be interred near the shrine of Edward the Confessor, in the abbey church of Westminster, where this tomb (with his statue in brass) is still to be seen<sup>z</sup>.

**Death of  
Henry III.**  
M. West.

**Character of  
him.**

This prince's character so visibly appears in all the circumstances of his life, that it will be needless to draw it more fully. His narrow genius, his easiness to be governed by proud and self-interested counsellors, his inconstant and capricious temper, and the notions of arbitrary power instilled into him from his youth, were the real causes of the troubles which disturb his reign. Too weak when there was occasion for steadiness, and too haughty when it was necessary to stoop and accommodate himself to the times, he seemed to study incessantly to act contrary to his own interests. Nothing can be said of his courage, since he never gave any sensible proof of it. But he may justly be commended for his continence, and aversion to every thing that looked like cruelty, being always satisfied with punishing the rebels in their purses, when he might have spilt their blood on the scaffold. He was excessively greedy of money, but it was to squander it away so idly, that the vast sums he levied upon

<sup>a</sup> Richard king of the Romans died at Berkhamsted, on the 2d of April: his body was buried at the abbey of Hayles, but his heart at the priory of Rowly, founded by him, in the suburbs of Oxford, for the Cistercian monks. W. Rish. M. Westm. T. Wikes.

<sup>y</sup> They were drawn at horses tails to the gallows, and there hanged, and their bodies burnt. W. Rishanger. The citizens of Norwich were fined three thousand marks of silver, for rebuilding

the church and monastery; and were besides forced to buy a gold cup, weighing ten pounds of gold, and the value of one hundred pounds of silver, in the roof of one of the same weight belonging to the monastery, that was melted in the flames. Ibid.

<sup>z</sup> He died on the 16th of November, 1272. In the year 1281, his son king Edward adorned his tomb with several curious stones brought from beyond sea, Walsing.



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his subjects made him never the richer. How pressing so-  
ever his necessities were, he could not help lavishing his mo-  
ney upon his favourites, not considering the great difficulty to  
obtain aids from his parliament. This profuseness, and the  
immense sums fruitlessly employed in the unfortunate affair of  
Sicily, were the principal causes of the mortifications and  
disgraces he was exposed to during the whole course of his  
life<sup>a</sup>.

Four things especially render this reign remarkable: the Four things  
to be re-  
marked in  
the reign of  
Henry III.  
first is, the readiness wherewith the barons in league against  
king John returned to the obedience of their young sovereign,  
the moment they thought their privileges out of danger. The  
second is, the patience of the barons for above forty years,  
though the little regard Henry showed them, and the conti-  
nual breaches of his oaths, gave them but too much cause to  
complain. In the third place it is to be observed, that to the  
troubles which distracted this reign, the English are indebted  
for the liberties and privileges they still enjoy at this day. If  
the barons of those days had been more passive, it may be  
very justly supposed that the two charters of king John would  
have been buried in eternal oblivion. If their revolt proved  
in the end fatal to themselves, at least it was beneficial to their  
posterity, since the kings, successors of Henry, dreading to  
expose themselves to the like dangers, durst not any more  
venture to revoke these charters, which are the basis and  
foundation of the liberty of the English. Accordingly they  
had time to be so strongly established by degrees, that there  
was no annulling them. Let the earl of Leicester be ex-  
claimed against never so much, let him be called impious and  
wicked for daring to take up arms against his sovereign, at  
least it must be confessed, that his ambition has produced  
happy effects for the whole English nation. The fourth re-  
markable thing is, the tyranny of the Roman pontiffs, who,  
abusing their power, treated the clergy of England with in-  
conceivable rigour. I should add here an article of no less  
importance, I mean the origin of the house of Commons, if  
the thing were not liable to so many disputes.

Of nine children Henry III. had by Eleonora of Provence His issue  
his wife, only two sons and two daughters survived him, the  
rest dying in their infancy<sup>b</sup>. Edward his eldest son was his

<sup>a</sup> W. Rishanger says, he was of a  
middle stature, strong, and well set;  
and that one of his eyes was half  
closed.

<sup>b</sup> Of his four youngest sons, three,  
viz. Richard, John, and Henry, were

buried at Westminster; and the fourth,  
named William, in the New Temple,  
near Fleet-street: Catherine, his third  
daughter, which was born November  
29, 1253, died at five years of age, and  
lies buried in Westminster abbey.

successor. Edmund his second son, after a vain expectation of the crown of the two Sicilies which the pope had flattered him with, was earl of Lancaster, Leiceſter, and Derby, lord of Monmouth, and high ſteward of England. Margaret, his eldeſt daughter, was married at nine years of age to Alexander III. king of Scotland, to whom ſhe left but one daughter of her own name, wife of Eric king of Norway. By this marriage came a princeſs of the ſame name, of whom I ſhall have occaſion to ſpeak in the following reign. Beatrix, ſecond daughter to Henry, was married to John de Dreux, duke of Bretagne \*.

\* In this reign, the following remarkable things, not taken notice of by Rapin, were tranſacted: trial by fire and water ordeal, though never taken away by act of parliament, was by king Henry's command, laid aſide by the judges, and ſoon after grew quite out of uſe. In 1233, king Henry built a houſe in London, near the Old Temple (where the Rolls now ſtand) for the converted Jews; and an hoſpital at Ox-

ford, near the bridge. Mat. Paris, p. 393. Weights and meaſures were thus fixed: an Engliſh penny, called a Sterling, round and without clipping, was to weigh thirty-two wheat-corns taken out of the miſt of the ear; and twenty pennies were to make an ounce, twelve ounces one pound, and eight pounds a gallon of wine, and eight gallons of wine a London buſhel, which is the eighth part of a quarter.

HAVING largely treated of Scutage in the laſt coin-note, I proceed now to Tallage. There were two ſorts of tallage, one paid to the king, the other to a ſubordinate lord. The tallage rendered to the king, was raiſed upon his demefnes, eſcheats, and wardſhips, and upon the burghs and towns of the realm. In elder times it was called Donum and Aſſiſa. Donum was a general word, and uſed with great latitude. When it was paid out of knights fees, it was Scutage; when by towns and burghs, it was Tallage; when out of lands which were not of military tenure, it ſignified Hidage; ſo that Donum ſignified in general, according as it was applied, either Aid, Scutage, or Tallage. In theſe ſeries the word Donum ſeems to have been uſed in the reign of king Stephen, and in the beginning of Henry II. In the ſucceeding times, Donum came to be uſed chiefly for Tallage. Tallage was alſo called Aſſiſa. The word Aſſiſa ſignified, among other things, an Aſſeſſment. It is uſed for the common charge or aſſeſſment made upon a county for defaults, and other amercements. The county of Berks was charged with thirty one ſhillings and three pence “ de commune aſſiſa ” of that county, for defaults. Mag. Rot. 19 Hen. I. Thoſe manors or lands were properly talliable to the king, which he had in his own hands. Hence tallages are commonly ſtyled “ tallagia maneriorum ” et terrarum regis quæ tunc erant in manu ejus, tallagia dominiorum, and the like. Under the terms “ quæ erant in manu ejus,” were comprehended the king's eſcheats and wardſhips; for the king held them “ tanquam in dominico.” And in fact the king's eſcheats and wardſhips were wont to be tallaged, when tallage was aſſeſſed upon his demefnes. Moreover, ſome ſerjeanties of an ignoble and inferior kind, and ſuch as had no military ſervice annexed

to them, were wont to be tallaged with the king's demesnes: but it is to be understood, that the king's serjeanties were not to be tallaged without a special precept. If men were not the king's immediate tenants, they were tallageable, not to the king, but to their immediate lord. The tallages assessed upon the king's demesnes were more heavy than the tallages upon other persons living in the counties at large: for which reason men sometimes petitioned, that they might be tallaged with the community of the county, and not with the tenants in ancient demesne. When a town was tallaged, the tallage was raised upon the men of the town, and they were properly the men of the town, who belonged to the guild and made merchandize in the town. If the king granted away a demesne manor or town (that was wont to be tallaged) "*una cum talligiis hominum*," then such manor or town became tallageable to the grantee: however, when the king demised any such manor, or granted a temporary estate in it, he used to reserve the tallages to himself and heirs. There was also in ancient time a duty paid to the king under the name of Carucage; to wit, so much for each carue of land, holden by base or inferior tenure. To the head of tallage (or else to that of aid) may be referred the None, Disme, Quinzime, Vintisme, Trentisme; which were so called from the quantity or proportion of the payment, as their names import. The most ancient instance of a tallage called by the name of Decima, is in the sixth of Richard I. These quotas, and some others, were partly seignorial, and partly mixed. The form of taxing and levying the nones, etc. with the oaths taken by the taxors, and the commissions of the collectors, are to be seen upon the Revenue Rolls. In these cases, the goods of the chief taxors were to be taxed by the treasurer and barons of the exchequer; and the robes and jocalia of the citizens and burghesses, were not usually taxed with their other goods and moveables. In the most ancient times, the tallages were usually imposed and set by the king's justiciars, in their respective iters: afterwards, by commissioners, appointed by the king for that purpose. Anciently, after the tallages had been assessed, they were usually collected by the sheriffs of the several counties. But if a town happened to be let at farm to a particular person, not being sheriff, than the tallage was commonly collected and answered for by the farmer or provost thereof. Tallage was wont to be assessed upon the men of the demesnes and towns, sometimes in gross, "*in communi*;" sometimes by poll, "*per capita*," or "*per singulos*;" at other times, partly one of those ways, and partly the other. If the assessors of tallage over-rated any man, he used to obtain a writ formed upon his case, directed to the barons of the exchequer, who by virtue thereof, would relieve him according to equity. Sometimes men were admitted to compound for the tallage imposed on them, by paying a fine to the king for the same. Tallage was not demandable from lands holden in frankalmoigne. Neither was tallage chargeable upon lands holden by knight's service. Moreover, the king, if he pleased, granted to particular persons a freedom from tallage: for ex-

# THE HISTORY

ample, the Templars and Hospitallers of Jerusalem, by a very ancient grant from the crown, had the privilege of having each one man (called Liber Hospes) in every burgh in England, who was to be quit of common assises or tallages, assessed within the burgh. As the king had tallage of his demesne men, so some subordinate or private lords had tallage of theirs. Most of these latter Tallages were also seigneurial. It appears by ancient records, that many of the lands which were talliable to private lords, were such as at one time or other moved from the king, and were wont to be tallaged to him, whilst they were vested in the crown: as when the king granted to a subject a demesne manor or town, together with the homages, aids, tallages, and other profits, to hold to the grantee and his heirs. In such case, the grantee had power to tallage the men of such manor or town to his own use, when the king tallaged his demesnes and manors throughout England; but not otherwise, nor oftener, or in other manner than the king raised tallage in his own demesnes. For the tenants were not by the king's grant tallageable to the private lord, in any other manner than they would have been to the king, if the seignury had still rested in the crown. And when such a private lord went to raise tallage, he used to have a writ ("de habendo rationabili tallagio") to the sheriff of the county, to raise the same. As the king had divers ways of raising money upon his demesne men, so inferior lords dealt with their demesne men after the like manner. But though the tallages, etc. paid to the king, do readily appear upon the Revenue Rolls and other records, those formerly rendered to inferior lords by their demesne men, are not so easily discovered at this day, having in great measure passed under privacy and silence, except that they are sometimes disclosed in pleas, moved between such lords and their men; and likewise in the Revenue Rolls, when the seigneuries of those lords happened to be in the king's hands, by escheat, vacancy, or wardship. Private lords seem to have treated their talliable men with greater severity than the king treated his: for sometimes the farmers have chosen to be talliable to the king, rather than to such lords; and accordingly have come to the king's court, and alledged they were talliable to the king. These are some of the notices relating to tallage, which the ancient records furnish us withal. In the succeeding times, a different law and usage were by degrees introduced. There is a piece published by Tothill and Redman, amongst the old statutes, under the title Statutum de Tallagio non concedendo, consisting of four clauses: it begins "Nullam tallagium," and ends "sint in perpetuum." Sir Edward Coke refers this statute (if it be one) to the 34 Edw. I. But Mr. Madox says, he could not find this pretended statute in any roll or record. See Pryn's Hist. of Papal Usurpation, temp. Ed. I. p. 742—747. Tallage was paid in Normandy, in like manner as in England. — I proceed to the revenue arising by Customs. The custom paid to the king, was anciently wont to be called in Latin, Consuetudo and Custuma. Consuetudo was used in an extensive sense, for payments or duties of many kinds. In the 9 Hen. III. Rot. 6. an account was rendered to the crown

of certain yearly duties, "consuetudines annuæ," which accrued in the manor of Linlee, and were turned into money. In the account of the issues of the bishopric of Winchester, during a voidance, there was answered to the crown the sum of seventeen pounds, seven shillings, eight-pence half-penny, arising out of a certain payment or duty ("de quadam consuetudine") called Kirkethet, by sale of three thousand eighty-seven hens. Mag. Rot. 12 Ed. I. In short, Consuetudines signified Regal, Episcopal, and other Ecclesiastical Dues or Payments, and Exactions of many kinds. There was a custom or duty paid to the king for wines, called *Prifa*, and *Recta Prifa*. The proportion was one dolium before the mast, and another behind the mast. It is true, *Prifa* was a word of equivocal meaning, properly signifying Capture; and was sometimes used for captures taken in war; sometimes for purveyance, impost, or captures of other kinds. In ancient times, the duty for wines, called *Prifa*, was received, for the king's use, by divers officers. In the reigns of Richard I. John, and part of Henry III's time, it was usually accounted for at the exchequer, by the chamberlain of the king's wines, under the title of *Camberlangaria*, or *Cameraria Londoniæ*. From thence to Edw. II. it was accounted for by the officers styled *Captore* *Emptore* *vinorum regis*. Under Ed. III. and afterwards, by the king's *Pincerna* or Butler, under the title of *Pincernaria regis*. Besides the customs paid the king for wines, there were other duties payable to him by merchants or traders, for their merchandizes imported or exported, and for commodities conveyed along the river Thames. The duties paid by merchants were anciently called *Disine*, *Quinzine*, etc. The duty paid for trafficking along the Thames, at least one sort of that duty, was called *Avalagium Thamisiæ*. In the fifth of John, Hugh Oisel proffered one thousand marks, to have the *quinzine* arising from merchandizes throughout England, from year to year. In the sixth of king John, William de Wroteham, and others, accounted for the *quinzine* of merchants at the several ports of England, except *Len*: the *quinzine* of London was eight hundred thirty-six pounds, etc. of Boston, seven hundred eighty pounds, etc. of *Len*, six hundred fifty-one pounds, etc. of Southampton, seven hundred and twelve pounds, etc. In 41 Hen. III. William de Lake was in arrear six marks and a half, for the *avalage* of the Thames. This *avalage* was sort of toll. To these may be added the duties paid to the king's chamberlain of London for his use, the duties arising at Billingsgate, and by *trouage*, etc. In the third of Rich. I. Stephen de Blund accounted for the ferm of the *trou*e and *sexture* of London. In 19 Edw. II. the keepers of the *trouage* appeared by the rolls to be free from accounting for the same, though by what grant, or other means, is not known. In 9 Hen. III. Andrew Buckerel and John Trevers had *Ripa Reginæ*, or *Queen-hith*, in ferm, at forty pounds per annum. In process of time, the king's customs came to be most generally called *Custuma*. In 26 Edw. I. there was payable to the king for customs, for every sack of wool exported from *Len*, half a mark; for every three hundred pelles *lanutæ*, half a mark; and for every

last of leather, one mark. A writ was issued to the sheriffs of ten counties, to make proclamation, that all merchants should carry merchandizes of that sort to the said port, when they exported them. The customers of Len were Hugh de Messingham and Ranulph le Kue. In like manner, customers were appointed for several others ports, as Newcastle, Kingston upon Hull, Bristol, London, etc. If merchants defrauded the king of his customs, they forfeited their goods uncustomed.—The seventh branch of the royal revenue, was the casual revenue, which accrued to the king several ways. Of this sort were Treasure-trove, Waif, Wreck, Chattles of Felons and Fugitives, of Out-laws, Usurers, Recreants, Persons executed, etc. The king had, in some cases, the lands of persons condemned, for a year and a day after their condemnation, which was usually called the Year, Day, and waste. In relation to the chattles of felons, if the party died after the felonious fact, and before conviction, his chattles were not by the common law forfeited to the king. Upon perusal of the ancient Revenue Rolls, it appears that in those times many branches of the king's fixed revenue were charged with alms, that is, some portion was generally allowed for pious uses: this was called *Eleemosyna constituta*, settled Alms. To which may be added the *Decimæ constitutæ*. These the accomptant constantly paid out of the revenue within his receipt, and had an allowance thereof upon his accompt, by the usage of the exchequer, without being obliged to sue out a particular writ of allowance in that behalf. Divers orders of monks had these yearly alms of *Decimæ*. Moreover, several pensions were wont to be paid to certain of the king's servants, when disabled by age or sickness, viz. a penny, three half-pence, two-pence a day: these were called *Denarius diurnus*, *Duo denarii diurni*, etc. and were usually charged on the ferm of some sheriff, or other accomptant. When persons made fine with the king for several purposes they paid to the queen a duty or sum called *Aurum reginæ*, over and above their fine to the king. Mr. Prynne has published a treatise expressly upon this subject. In the thirteenth of king John, James de Novo Mercato was charged with five marks and a half of gold, of *aurum reginæ*, for his father's and brother's relief, and his own. When men were indebted to the queen for the *aurum reginæ*, she herself sometimes respited or discharged the debt, as she thought fit. For every hundred marks paid the king, the queen had one mark of gold. In the sixteenth of king John, William Morant fined fifty marks for seisin of his land, and paid half a mark of gold as *aurum reginæ*, with the said fine. Mag. Rot. 10 Joh. Rot. 5.

Having thus gone through the several branches of the royal revenue, I shall close all with an account of the exchequer of the Jews. The king of England was wont to draw a considerable revenue from the Jews residing in this realm, namely, by tallage and fines relating to law-proceedings, by amerciaments for misdemeanors, and by fines, ransoms, compositions, which they were forced to pay, for having the king's benevolence; for protection, for licence to trade,

for

for discharges, for imprisonment, and the like. He would tallage the whole community or body at pleasure, and make them answer the tallages for one another. In short, the king seemed to be absolute lord of their estates and effects, of their persons, their wives, and children. They were a numerous body (being settled in many, and especially the great towns of the realm,) and by traffick, usury, and mortgages, they became very wealthy both in money and land. But as they fleeced the subjects, so the king fleeced them. The receipt, or place appointed for the management of the revenue of the Judaism, was called Scacarium Judæorum, or Judaismi: it was a part or member of the great exchequer. They had there rolls or records, wherein the writs and proceedings of the Judaism were entered. And summonses issued out of the exchequer of the Jews for the king's debts, like as out of the great exchequer. In fine, there was also a wardrobe of the Judaism near the exchequer of the Jews. In 44 Hen. III. it was broken open, and several rolls taken away. Certain persons were assigned to be curators of this revenue; they were usually styled Custodes and Justicarii Judæorum. In the most ancient times they were commonly Christians and Jews appointed to act together. Afterwards they were, for the most part, Christians only. They were usually put into their office by the king, by letters of the great seal: but sometimes the treasurer and barons appointed a justice of the Jews, and other clerks of the Judaism, by the king's direction. These justices of the Jews exercised jurisdiction in the affairs of the Judaism; namely, in the accompts of the revenue; in pleas upon contracts made with the Jews; in causes and questions touching their lands or chattels, their tallages, fines, forfeitures, and the like. They recorded in the great exchequer, as there was occasion, things within their cognizance relating to the Judaism. They made their record or declaration before the barons of the exchequer, and the barons adjudged thereupon. In fine, they were looked upon to be members or officers of the great exchequer, and entitled to the privileges belonging to persons resident there. The Jewish charters (as the charters of other men (were usually called Chartæ and Chirographa. Some of them were called Starra, Stars, a name of Hebraical origin. Most of these stars were releases or acquittances, and written sometimes in Hebrew, sometimes in Latin, and sometimes in French. Selden has published two in Hebrew. Tit. Hon. p. 644. The most ancient Jewish charter to be met with, is that of Aaron the Jew of Lincoln, in 22 Hen. II. the tenor whereof is entered in the Great Roll of 9 Rich. I. it is a kind of release. When the Jews made any charter or contract, one part of it was to be laid up in a public chest for that purpose, called the Chest of the Chirographi, or of the Chirographers. This part of the chirograph was called Pes Chirographi. Besides several clerks, who were employed in writing the rolls and memoranda of the Judaism, there were certain officers called Chirographarii and Coffrarii, who had custody of the chests above-mentioned, and of the chirographi and charters made between the Jews, or between them and Christians. It is likely  
they

they made lists or dockets in writing of all the chirographs that were put in or taken out of the chests. In the archive of the collegiate church of Westminster there is a roll of these dockets: it begins at 9 Hen. III. The chirographers were commonly Christians and Jews, acting together, and were planted in towns where there was a considerable number of Jews, as at Lincoln, Oxford, etc. The chests of the chirographers were kept with great care: at certain times they were locked up, and not to be opened again except at such terms, or by precept from the king, or the barons of the exchequer, or justices of the Jews. When the chests were opened, it was done publicly, in the presence of the sheriff (if in the country) and of the chirographers and cofferers, or (if in London) before the barons of the exchequer, or justices of the Jews, or other principal officers of the Judaism. The king, by writ, ordered the sheriff of Wiltshire to go to the chest of the chirographers at Wilton, and take out, in their presence, all the pedes whereby any debt was secured to Solomon the Jew, and bring them before the barons of the exchequer. Mem. 42 Hen. III. Rot. 10. If a charter made to a Jew was lost, or could not be found in the chest, it was usual for the Jew, to whom it was made, when he was satisfied the money was due upon it, to come and make an acknowledgment in the exchequer, by way of release to the party. The having one part of the Jewish chirographs laid up in the king's treasury, was chiefly to prevent the falsity of the Jews, and to enable the king to recover the estates and credits of the Jews, and to get them into his coffers whenever they should become (as they often did) forfeited, or devolute to the crown. Besides the chirographers, the justices of the Jews had clerks under them. There was a Custos rotulorum, and probably other officers. The Judaism seems to have been guided in general by the use of the exchequer, except that in some cases there was a peculiar law or rule, called the Law Assise or Custom of Judaism. It appears that the Jews held certain chapters or meetings, for affairs relating to themselves. In the reign of Richard I. certain rules, entitled Capitula de Judæis, were made, and given in charge to the justices errant: they are printed in Hoveden, part ii. p. 747. As to the assises of the Judaism, where a contract was made by chirograph between a Christian and a Jew, if a pes (or counterpart) of such contract was not found in the chest of the king's chirographers, the Jew was to lose his debt accruing upon such contract. If a Jew made a star of release secretly, it was held invalid. By the assise of the Judaism, the Jews might have a moiety of the lands, rents, and chattels of their Christian creditors in execution, till they were satisfied for the debt due to them. The Jews paid relief for their lands and for their chattels, or money instead of or under the name of relief. The king had the wardship of a Jew's heir, and his lands and chattels. A Jew's wife might have dower, or thirds out of her husband's credits and chattels. In 37 Hen. III. it was provided, that no Jew should remain in England without doing the king some service: that there should be no schools for Jews in England, except



cept in places where such schools were wont to be in king John's reign: that all Jews in their synagogues should celebrate with a low voice: that every Jew should be answerable to the rector of his parish for all parochial dues chargeable on his house: that no Christian should suckle the child of a Jew, nor any Christian man nor woman serve any Jew or Jewess, nor eat with them, or abide in their house: that no Jew should have secret familiarity with a Christian woman, nor any Christian man with a Jewess: that no Jew or Jewess should eat or buy flesh in Lent: that every Jew should wear a badge upon his breast: that no Jew should enter into any church or chapel, unless in passing to and fro: that no Jew should hinder another Jew, who was willing to turn Christian: and that no Jew should be suffered to abide in any town, without the king's licence, except in towns where Jews were formerly wont to reside. These articles were to be observed by the Jews, under pain of forfeiting their goods. Claus. 77. Hen. III. m. 18. Though the exchequer of the Jews was, to some purposes, distinct from the great exchequer, yet both the exchequer of the Jews, and the acts and proceedings of the justices and chirographers of the Jews, were subject to the control of the chief justiciary, and treasurer, and barons of the exchequer. The debts due from Christians to Jews, were subject to such orders as the king thought fit to make. Sometimes the king would grant respites for the payment of such debts, and sometimes would discharge the debts thereof. Again, the justices of the Jews were wont to account before the barons of the exchequer for the issues of Judaism: and if they misbehaved, they were answerable for the same before the barons, who, if there was cause, annulled their acts or judgments, and punished them for misdemeanors in their office. In general the king was wont to use the Jews with severity when refractory, and shewed them favour when obedient and compliant. King John in the second year of his reign, granted a charter of liberties to the Jews of England and Normandy, which the curious reader may see in Madox's Hist. of the Exchequer, p. 174. Henry III. for the support of such Jews as embraced the Christian religion, and were destitute of livelihood; founded a house at London, called *Domus Conversorum*, the House for the Converts, and endowed it with a competent revenue. This house was usually committed by the king to the care and rule of some clergyman of distinction, called *Custos Domus Conversorum*, and *Gardien des Converses*. It was situate in Chancellor-lane near the New Temple, and hath been called in the modern times the Rolls. Although the Jews were permitted to settle in several populous towns, it is likely they were not welcome to the inhabitants: one of the liberties granted by Henry III. to the men of Newcastle was, that no Jew should dwell or stay in the town, ch. 18. Hen. III. 16. There is frequent mention in records of an *Episcopus* and *Presbyter Judæorum*. What they mean may in some measure be learned from this case: Henry III. appointed the justices of the Jews to try Elias the bishop, a Jew of London, for a trespass against the king and his brother; Elias being convicted, was by the said justices adjudged to be deprived

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that laymen had no right to decide, or even to examine, the difficulties which might arise about these matters, but ought implicitly to follow the determinations of the ecclesiastics. This manifestly supposes infallibility in the ministers of the church. But as this supposition was founded upon the promises of Christ to his church in general, and as the consequence drawn from thence for the infallibility of the ministers in particular, was not sufficiently evident, an expedient was found to blind the eyes of the world, by confounding the general notion of the church with that of the clergy in particular. Thus by degrees the clergy alone were called the church, and to them only were applied the promises of Christ to all Christians in general. They asserted, that Christ, in declaring the gates of hell should not prevail against the church, plainly meant that the clergy, or councils wholly consisting of the clergy, should be infallible in their decisions. The misinterpretation therefore of the word Church was one of the chief causes of the blindness of Christians. I leave the reader to extend his reflections on this head, for I purpose only to point out the several steps by which the ecclesiastical power rose to so prodigious a height.

Second principle.

The second principle was, that Jesus Christ not only appointed ministers in his church for the instruction of the faithful, but also to inspect their life and conversation. Hence it was inferred, that it belonged to the pastors to declare to their flocks what was just and agreeable to the laws of God, and what not. From this principle was drawn a farther consequence, that not only they had a right to exhort the faithful and censure them for neglect of duty, but also to punish the impenitent.

Third principle.

A third principle was, that Christ's church ought to be pure and holy, without spot or wrinkle, and therefore it was necessary to use all possible endeavours to prevent her being polluted either with sin or error. Now as by the foregoing principles the clergy alone had the right of instruction and inspection, it followed that to them belonged the care of preserving the purity of the church.

Fourth principle.

This led a fourth principle, that, in order to preserve the church pure, it was necessary to cut off the rotten branches. The consequence from thence was, that when a Christian suffered himself to be corrupted either by sin or error, he was to be excommunicated, that is, cut off from the body of the church. It is easy to see, that, according to the foregoing principles, it was the clergy's business to excommunicate, and that

that they acquired thereby a great authority, and a profound respect from all Christians.

If the governors of the church had all been holy and infallible, these principles with their inferences would have produced only good effects, and a discipline very profitable to salvation would have been preserved in the church. But they happened to be too frequently swayed by interest, caprice, or the impulse of an ill-governed zeal; and therefore it could not but be thought very improbable, that God should subject his church to the passions and prejudices of his ministers. Hence it was natural to conclude, either these principles were false, or at least the consequences carried too far. This belief could scarce fail to breed a contempt for unjust and rash excommunications, which contempt had even some influence on the most regular. Every one is naturally inclined to imagine himself unjustly condemned. From this contempt proceeded an unconcern in the persons excommunicated to be reconciled to the church, and to give her the satisfaction she required.

If in the excommunications the clergy had only aimed at preserving the church's purity, they would have been contented with cutting off the rotten members, and grieving at the obstinacy of those who neglected to be absolved. But this was not what affected them most: satisfaction was their chief concern. The reason is, because most of the excommunications were thundered against such as encroached on the lands or immunities of the clergy, to whom alone the name of Church was always appropriated. It was necessary therefore, for the interest of the clergy, to oblige those who were cut off from the body of the church, to be reconciled to her, and give her satisfaction. For this cause another principle was established, "That spiritual penalties not being sufficient to conquer the obstinacy of hardened sinners, it was necessary, for the glory of God, to use temporal punishments to force them to obedience." Upon this foundation, the clergy, who were already in possession of regulating all matters relating to religion, came to this decision in their councils, "That excommunicated persons were not only to be separated from the assemblies of the church, but also from all intercourse with the faithful." If this rigorous law had been strictly observed, the excommunicated would quickly have ended their days for want of the assistances which men naturally give one another, unless they had chosen to go and live among the infidels. But as it was not possible to hinder their relations and friends from affording them some relief, though the contrary

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trary often happened, another expedient was found to put the persons cut off from the church under a necessity to submit to her orders, that is, to those of the clergy. It was ordained in the councils, "That if within forty days after excommunication, the party excommunicated did not sue to be reconciled to the church, the magistrate, upon the bishop's complaint, should be obliged to cast him into prison, and confiscate his estate." When therefore a Christian was excommunicated, he was to expect to lose his liberty and property, or make the church such satisfaction, as the church herself, that is, the clergy, should judge proper. This decree of the councils would hardly have been enacted into a law, if sovereigns had not found their advantage in it, by means of the confiscations. They did not expect that this severe treatment was ever like to reach them. But when once they admitted the principle of the unlimited authority assumed by the church, they quickly experienced that, as Christians, they had no more privilege than their subjects. The popes, whose power daily increased, extended it at length over crowned heads. They made no scruple to excommunicate princes themselves, who were frequently abandoned by their own subjects, and to deprive them of their kingdoms, and give them to others.

The same principles then, which had been established for private persons, extended to kings and emperors. There was at first but one thing which distinguished an excommunicated prince from a private person; namely, that his subjects were bound to him by an oath, which many could not think of violating, on pretence that their sovereign was excommunicated. But the popes found means to remove this scruple, by absolving them from their oath of allegiance, by the plenitude of their apostolical power. This was in consequence of the maxims before established, "That an excommunicated person was to be deprived of his possessions."

All this however was not sufficient to compel excommunicated princes, to give the church the satisfaction she demanded. There were many of their subjects who were not convinced, that the pope had power to excommunicate sovereigns. Others believed, that as long as a king was on the throne, his subjects ought not to refuse the obedience due to him. Some, though persuaded of the pope's authority, thought it unlawful to take up arms against the king actually reigning. Others again durst not venture on so hazardous an undertaking, which might end in their own and their families ruin. To surmount these difficulties, the popes bethought  
 themselves

themselves of these two things. The first was, to depose excommunicated and obstinate kings, in a council, or only in a consistory, in order to remove all scruples from their subjects. The second was, to commission some powerful prince to execute their sentence, to the end that joining with those subjects who were only restrained by fear, the deposed prince might be compelled to submit to the church. Of this we have seen a terrible instance in the quarrel between Innocent III. and king John.

Thus from principles which might be originally good, considered in themselves, such consequences were drawn, as tended to erect the spiritual jurisdiction of the church into a temporal and absolute monarchy. Indeed, could a christian help regarding, as real matters, men, who disposed of his estate, his honour, his life, and his salvation? The wonder is, that christians should be so blind, as to admit all these principles, with their unlimited consequences, and suffer such a system to be built thereon, as wholly tended to enslave them. It is true that it was thought necessary at last, though too late, to set bounds to the absolute power assumed by the pope and the clergy. But there was a strong opposition, and a resistance so much the greater, as time had been given them to confirm themselves in their usurpations.

This is the principal subject of the ecclesiastical history of England during several centuries, and especially during the four reigns now before us. Except a few events, it contains only affairs resulting from the exorbitant power engrossed by the pope and the clergy. The sole aim of the councils was to maintain the privileges and immunities of the church, that is, of the clergy; for these two were generally confounded. All the projects of the popes, tended only to enlarge their authority, as well over the laity and the sovereigns themselves, as over the clergy. If they have not been able to keep the excessive power to which they were arrived, it is entirely owing to their abuse of it; which caused them to lose by degrees the regard paid to every thing flowing from the holy see. The bare facts in this history, concerning the affair of Thomas Becket, the deposing of king John, and the papal oppressions during the long reign of Henry III. are sufficient to convince all unprejudiced persons of the rigor wherewith the popes exercised the authority they had been suffered to assume. How much more convincing would it be, should we add to these instances, what passed on the same subject, in all the other christian kingdoms? But to confine myself wholly to England, I shall only remark, that Becket's affair carried

the papal power in England higher than ever, after a prince, so haughty as Henry II. was forced to submit to a shameful discipline. The homage king John was obliged to do the pope, raised this power to its utmost height. From that time the popes looked upon England as a conquered country, with which they did not think themselves obliged to keep any measures. This is manifest throughout the whole reign of Henry III.

It must be farther observed, that if the rigour wherewith the popes treated England, served for some time to keep the kingdom in subjection, it proved however the chief cause of the decay of their power, when circumstances came to be altered. As they carried it too far, they made the English naturally jealous of their liberty, desire to throw off so intolerable a yoke. Accordingly, when a favorable juncture offered, they failed not to take advantage of it, and the rather as they found themselves supported by the clergy, who felt no less than the people, the effects of the papal tyranny. This will appear in some of the following reigns. Mean time, we are to consider the days of John and Henry III. as those wherein the papal power was at the highest in England, and, if I mistake not, in most other kingdoms of Europe. I might confirm my assertion with numberless proofs, if what has been said did not appear to me sufficient. They who desire to see a more particular account of the unjust and violent proceedings of the court of Rome with respect to England, during the reigns of John and Henry III. may, for their satisfaction, consult the history of Matthew Paris, who treats of them at large. It is true, indeed, endeavours have been used to destroy the credit of that author; but men of sense do not consider, as an evidence of unfaithfulness, bare allegations without proofs.

Contests  
about elec-  
tions.

The frequent contests about the elections of bishops and abbots, make also a considerable article of the affairs of the church. But as I have frequent occasion to speak of them, it will be needless to enlarge any farther upon that subject. It will suffice to point out in general, what served for foundation to these disputes. As to the see of Canterbury, the monks of St. Augustine's pretended, that the right of electing the archbishops belonged to them, exclusive of all others. But the suffragan bishops maintained, they had an equal right with the monks. On the other hand, the court did not willingly suffer any one to be promoted to the archiepiscopal dignity, but whom they approved of. The court therefore, directly or indirectly, had all along a great share in the elections. These  
several

several interests were the occasion, that hardly could an archbishop be chosen without some contest. One while, because the monks elected, without consulting the suffragan bishops; another while, because the bishops made a different choice from that of the monks. Sometimes the monks themselves made a double election; and sometimes it happened, that the prelate not being agreeable to the king, could not obtain his confirmation. The court of Rome reaped great advantages from these contests, since to her was referred the decision thereof. Upon these occasions the popes made it a rule, to declare in favour of him who appeared best affected to the holy see. Oftentimes, by the fulness of their apostolical power, they annulled the elections made with unanimous consent, and caused whom they pleased to be chosen. Of this we meet with several instances in the history of England.

These dissensions reigned almost as much in the elections of the other bishops and abbots. The court had always among the voters a party, which generally carried it from the others: at least it was strong enough to hinder the election of such as were disagreeable to the king. Whatever happened, they raised disputes, which were referred to the pope's decision. Then it was that the king used such means with the pope as seldom failed of success. This frequently occurs in the history of the church of England. But it suffices to have made here these few remarks, without descending to particulars.

The immunities very often granted by the court of Rome to churches and monasteries, in prejudice of the bishops, were also a fertile source of disputes. These immunities regarded either the visitation of the religious houses, or the elections of the abbots, or the dispensation to some bishops to be absent from the councils. All these articles produced an infinite number of suits, of which the whole profit accrued to the pope, who commanded the parties to repair to Rome to defend their respective rights. When once they were there, they never saw the end of their suits, unless by presents they found means to procure dispatch; and he that gave most, generally came off best. Of this it would not be difficult to give several instances: but there is no occasion to prove a fact so well known and averred. It is time now to proceed to the councils during the four reigns we are speaking of.

Concerning  
immunities.

## COUNCILS in the Reign of HENRY II.

A mixt  
council.

**I**N the year 1155, being the first of Henry II. a mixt council was held in London, consisting of bishops and barons, where several affairs relating to the church and state were debated. I take notice of this assembly, on purpose to shew that the use of these mixt councils was not yet entirely abolished.

Council  
against  
Becket.

In 1166, a synod was held which appealed to the pope from the excommunication denounced by Becket against those that obvierved the constitutions of Clarendon.

Council of  
Oxford  
against the  
publicans.  
Spel. Con.  
T. ii. p. 59.

The same year, according to Dr. Hody, but six years sooner according to Spelman, and according to others, four only, Henry II. ordered a council to meet at Oxford, to examine the tenets of certain heretics called publicans, of whom I have spoken in the reign of that prince. Very probably, they were disciples of the Waldenses, who began then to appear. When they were asked in the council, who they were, they answered, they were christians, and followers of the doctrine of the apostles. After that, being questioned upon the articles of the creed, their replies were very orthodox as to the trinity and incarnation. But if William of Newburgh is to be credited, they rejected baptism, the eucharist, marriage, and the communion of saints. They shewed great modesty and meekness in their whole behaviour. When they were threatened with death, in order to oblige them to renounce their tenets, they only said, "Blessed are they that suffer for righteousness sake." The council, finding there was no prevailing upon them, delivered them over to the secular power. Unhappily for them, the king being then at variance with the pope, was afraid of giving him an advantage if they were spared. Upon this account he treated them more severely than he would have done at any other time. After causing them to be branded with a hot iron, he forbid, under great penalties, all persons to give them the least relief. They suffered this hard treatment very chearfully; and as they could meet with no assistance, either to stay in the kingdom or depart, they all miserably perished. This is all the historians have related concerning these pretended heretics, without saying why they were called publicans. I observed they were very likely disciples of the Waldenses, because of their orthodoxy on the trinity and incarnation, and because of their patience, and their answer to the council that they followed the doctrine of the apostles, for that was precisely the language of the Waldenses. It is true,



we cannot trace the Waldenses in the tenets ascribed to them concerning baptism, the eucharist, marriage, and the communion of saints. But possibly the historians, who mention them, may have misrepresented their doctrine. Perhaps they did not believe transubstantiation, and refusing to communicate with the believers, it was inferred they rejected the eucharist and communion of saints. As for baptism, perhaps they stripped it, with the Waldenses, of all the ceremonies tacked to it since its institution: and it may be they denied marriage to be a sacrament, and on that account were accused of rejecting it. However this be, they are not the first to whom have been ascribed doctrines little agreeable to their sentiments, as it is easy to see in the history of the Waldenses and Albigenses\*. What I have been saying is however only a conjecture: but it is so plausible, as to raise our admiration at the rashness of some protestant authors, who upon the credit of William of Newburgh and other monks, have been so severe upon these pretended heretics.

Gervase in his chronicle speaks of another council convened by Henry II. where, he says, that prince caused the bishops to swear to obey his orders, before he had informed them of his intentions. He adds, that in consequence of this oath, he would have obliged them to withdraw their obedience from Alexander III. and own the antipope; but that the prelates flatly refused it. It seems that Gervase, who was a monk of St. Augustine's and contemporary with Becket, should have perfect knowledge of all that passed in that archbishop's contest with the king. But as he is extremely partial in favour of Becket, and besides, as no historian speaks of this council, one can hardly doubt its being a fiction. The only foundation for it, is Henry's writing to the archbishop of Cologne, as was said in the history of his reign. I shall observe here, that certain modern historians, relying on the authority of Gervase, who was Becket's creature, have unwarily taken him for guide in their account of the quarrel. Hence they have been induced to favour the archbishop, and insinuate as

\* The Waldenses published the articles of their faith, which they dedicated to the French king, who was then persecuting them. The monks would have concealed their doctrines, but they came to light, partly by the quarrels of the papists among themselves, and partly by the taking of Monthrurn in 1585, by the marshal de Lesdiguières, a protestant, who saved the records of the persecutions, found in that place, when

the monks designed to have burnt them, because they not only contained an account of the cruelties against the Waldenses, but proved, that their doctrine was the same with ours. This makes Rapin's conjecture the more probable, and should be a caution to protestant writers, not to condemn too hastily for heretics, all that are represented as such by the monks.

if he was unjustly persecuted by the king. This, added to what I remarked in the foregoing instances, shews how easily historians suffer themselves to be drawn insensibly into the notions or prejudices of those that have writ before them.

Synod at  
Westmin-  
ster.  
Gervas.  
Brompt.  
Hoved.

Disputes be-  
tween the  
two arch-  
bishops.

Gervas.  
Brompton.  
Diceto.  
Hoved.

Expedient  
of the clergy  
to satisfy the  
popé for fear  
of conse-  
quences.

In 1175, Richard archbishop of Canterbury convened in Westminster a national synod, where he caused to be read some canons drawn up by himself. They mostly relate to ecclesiastical discipline, and the celibacy of the priests, which was not yet fully established. Roger archbishop of York was not present at this synod, but sent agents, who protested, in his name, against three things wherein he thought himself aggrieved. First, he complained of being denied the privilege of having the cross carried before him in the province of Canterbury. In the second place, he complained, that the bishoprics of Lincoln, Chester, Worcester [and Hereford] were unjustly taken from the jurisdiction of the see of York. His third grievance was, an excommunication denounced by the archbishop of Canterbury against some clergymen of St. Oswald's in Gloucester. Hence it is evident, that the old disputes between the two metropolitans still subsisted, notwithstanding the care taken to end them, in the reign of Henry I.

What passed the next year, 1176, in a synod held by Hughuccio the pope's legate, shews it still more plainly. The archbishop of York seating himself on the right hand of the legate, the archbishop of Canterbury's domestics dragged him thence, and trampled upon him. This accident caused the synod to break up, and was followed with a long process, which occasioned the two metropolitans to carry to the court of Rome several appeals, from whence she reaped great advantages<sup>b</sup>.

In the year 1183, the pope desiring Henry II. to procure him a subsidy from the clergy, to enable him to carry on the war against the emperor, the king assembled the prelates, to acquaint them with the pope's demand. The clergy not daring to refuse the aid the pontiff required, and, on the other hand, dreading it might be made a precedent, contrary to the liberties of the church of England, used this expedient to content him. They entreated the king to give the pope what he thought reasonable, promising to repay what he should advance.

<sup>b</sup> This same year, William king of Scotland, and the bishops, abbots, and priors of his kingdom, being at a great council, or parliament, at Northampton, king Henry required them to make their submission to the church of England; but they refused. Hoved.

In this reign two councils were held in Ireland; the first <sup>Synod at</sup> was convened at Armagh, presently after the conquests of the <sup>Armagh in</sup> English. It was decreed, that all the English slaves should <sup>Ireland.</sup> be enfranchised, the prelates being persuaded, that the calamities of their island proceeded from the detaining in slavery <sup>Gir. Camb. Hib. Exp. c. 18.</sup> men who were Christians as well as themselves. Besides, they considered that encouragement was given to pyrates, by affording them an opportunity of selling their slaves in Ireland. The other synod was held at Cashel, to put the church <sup>Another at</sup> of Ireland upon the same foot with the church of England; <sup>Cashel.</sup> that is to say, to reduce the Irish clergy under the pope's <sup>Hovedon. Gir. Camb.</sup> jurisdiction, pursuant to the king's promise, when he de- <sup>c. 34.</sup> manded Adrian's consent to make that conquest.

Before I finish what relates to the councils in the reign of <sup>Eleventh</sup> Henry II. I shall add a word concerning the eleventh <sup>council of</sup> council of Lateran, convened at Rome by Alexander III. <sup>Lateran.</sup> There were only three English bishops<sup>c</sup> at this council; for, <sup>Gervas. Brompt.</sup> according to the testimony of Roger de Hoveden, it was one <sup>Hovedon. p. 582.</sup> of the privileges of the church of England, not to be obliged to send more than four bishops to councils held at Rome. The Albigenses were excommunicated in this council, and all Christians very strictly forbidden to hold correspondence with them.

One of the canons prohibited, on pain of excommunication, to promise benefices before a vacancy. But this prohibition took place only with regard to patrons, and not with respect to the popes, who broke it continually, by means of provisions, of which, in spite of the canon, they made frequent use.

It was farther resolved in this council, to ease the vast expence churches and religious houses were liable to, for the entertainment of the visitors and their retinue. It was decreed, that in visitations an archbishop should not have more than fifty horse, a bishop more than thirty, a legate more than twenty-five, and an archdeacon more than seven. A great reformation truly! which plainly shews the moderation of the council. The charges the abbies and churches were at upon this occasion, were called procurations, doubtless because the churches were obliged to procure what was necessary for the entertainment of the visitors. In process of time, this was turned into a certain sum of money, which kept the name of procurations, and became a fertile source of oppressions

<sup>c</sup> Hoveden names four who were present at the council, viz. Hugh bishop of Hereford, and Reginald of Bath. The abbots were more numerous. of Durham, John of Norwich, Robert

imposed by the nuncios and legates on the churches. Tilt-ings and tournaments were likewise forbidden, but this prohibition was not capable of abolishing them.

## COUNCILS in the reign of RICHARD I.

Synod in fa-  
vour of  
John's mar-  
riage.  
M. Paris.

IN 1189, Baldwin archbishop of Canterbury, interdicting the lands of prince John, on account of his marriage with his cousin Avifa of Gloucester, there was an appeal to the pope. Whereupon a legate was sent into England, who called a synod, where the archbishop's proceedings were annulled, and the interdict taken off. After that, the pope confirmed the marriage by his authority. Notwithstanding this decisive sentence, the marriage was annulled several years after, on the same pretence of kindred, and by the same authority; every thing being easy to those that are invested with absolute power.

Diceto.  
M. Paris.  
M. West.

The same Baldwin being about to attend Richard to the Holy Land, convened a synod, where he declared that he left the administration of the affairs of the province of Canterbury to the bishop of London, and of his particular diocese to the bishop of Rochester.

Brompton.  
Diceto.

During the absence of the two archbishops, one of whom was in the east, the other in Normandy, the bishop of Ely, regent of the kingdom and legate of the pope, convened two synods, one at Gloucester, and another at Westminster: but nothing of moment was transacted, his aim in calling them being only to show his grandeur.

Gervas.

Baldwin dying at Acres, as soon as the news reached England, the bishop of London sent an inhibition to the monks of St. Augustine, to proceed to an election of an archbishop, without the consent of the suffragan bishops. Some time after, the suffragans being met at Canterbury, the monks came into their assembly, and declared they had elected the bishop of bath; at the same instant they took and placed him on the archiepiscopal throne. The bishops appealed to the pope; but the death of the prelate elect, which happened soon after, put an end to the difference.

A synod at  
York.  
Hoveden.  
Spelm. Con.  
tom. ii.  
p. 120.

In 1193, Richard sent from Palestine a letter to the suffragan bishop of Canterbury, ordering them to proceed to the election of an archbishop, jointly with the monks of St. Augustine. Pursuant to the order, a sort of synod was held, and Hubert Walters elected, whom the king had strongly recommended.

Two years after, Hubert, being made legate, convened, Hovedon. p. 755. in the cathedral of York, a national synod, where several canons were made, of which two only deserve notice. By the III<sup>d</sup>, priests were forbidden to take money for saying mass. The V<sup>th</sup>, expressly prohibits deacons to administer the sacraments of baptism and the eucharist, unless in cases of necessity,

## COUNCILS in the reign of king JOHN.

**I**N the year 1200, archbishop Hubert held a national synod at Westminster, notwithstanding the king's prohibition, which is remarked by historians as the first usurpation of this nature. Several canons were made in the synod, the chief of which are these: Synod held notwithstanding the king's prohibition. p. 806.

The I<sup>st</sup> regulates the pronunciation of divine service, to prevent reading prayers, either too slow or too fast. Brompton. Spelm. Con. tom. ii.

The II<sup>d</sup> forbids the consecrating the eucharist more than once in a day, without urgent necessity. p. 123.

The XI<sup>th</sup> declares against clandestine marriages, and forbids married persons to travel beyond sea, without publishing their mutual consent.

In 1206, the pope intending to levy in England an extraordinary Rome<sup>scot</sup>, or Peter-pence, the bishops met in a synod to debate upon his demand. But the king sending them word to proceed no further, they broke up without coming to any resolution. And indeed Peter-pence not concerning the clergy more than the rest of the nation, it belonged not to them to determine whether it was to be paid or not. Nevertheless, shortly after, Florentinus, a legate, called another synod at Reading upon the same account; and, as if the clergy had been the occasion of the king's refusal, extorted from them an aid in lieu of the extraordinary Rome<sup>scot</sup> demanded by the pope. Synod which refuses money to the pope. M. Paris.

I pass over in silence several councils, called purely to regulate the restitution the king was to make the ecclesiastics, after his reconciliation to the pope, having spoken of them elsewhere.

During the reign of king John, pope Innocent III. convened the twelfth council of Lateran, at which were present four hundred and twelve bishops<sup>d</sup>. There were passed seventy canons, which, according to the report of the historians, Twelfth council of Lateran. M. Paris.

<sup>d</sup> Among whom was Langton archbishop of Canterbury.

**M. Du Pin,** were not very agreeable to the prelates, by whose authority they were made. This gave occasion to a famous modern to conjecture, that the pope drew up these canons himself, and that they were read before the council, whose silence was taken for an approbation. This was an artifice which began to be practised, in order to pass in councils whatever the pope desired: the president ordered the canons, ready drawn up, to be read, and the prelates perceiving they were not designed to be debated, no one dared to be the first opposer. In process of time this expedient was frequently used; and the council of Vienne, which was held in 1312, where the order of the Knights Templars was abolished, will furnish us with a remarkable instance.

To return to the council of Lateran; since the church of England, as a member of the catholic church, was no less concerned than the other churches in the canons made there, it will not be perhaps foreign to the purpose to be something particular: but however, to avoid prolixity, it will be sufficient to take notice of three canons, which seem remarkable beyond the rest.

**Canons of  
the Lateran  
council.**

The Ist establishes, in express terms, the doctrine of transubstantiation.

The III<sup>d</sup> imports, that the secular power shall be requested, solicited, and, if need be, compelled by ecclesiastical censures, to take an oath to use their utmost endeavours to root all heretics out of their territories. That for the future all persons, without exception, shall be obliged to swear the same oath, upon their being promoted to any dignity spiritual or temporal. And if any temporal lord refuses to purge his dominions of heretics, after an admonition, he shall be excommunicated by the metropolitan and his suffragans. And in case he contemns the censures of the church, and refuses to make satisfaction within a year, the pope shall declare his subjects and vassals absolved from their oath of fealty, and at the same time shall invite the catholic princes to seize his estates, saving to the sovereign of the see, if there is any, his rights, upon condition that the sovereign shall do nothing to obstruct the execution of the canon.

**Remarks on  
the third  
canon.**

It is difficult to read this decree without being surprized, that bishops should assume a right to deprive sovereign princes of their dominions, as if Jesus Christ had, in express terms, invested them with such a power. They might be allowed a right to exhort, to request, to solicit princes to purge their territories of heretics: nay, let them be suffered, if you please, to excommunicate these princes, under colour of their being,

as members of the church, liable to ecclesiastical censures as well as their subjects : but that bishops may extend their authority so far as to decree temporal punishments, and deprive princes or even private persons of their property, is what cannot be granted, without resigning to them withal the temporal sovereignty of the whole Christian world. To what purpose then, will some say, is excommunication, if the persons excommunicated happen to condemn it? I know not; God alone will be judge in the other life. But this did not content the clergy, and much less the popes, who would be respected, feared, and obeyed in this life; for that was the sole end of all their excommunications. And indeed to this temporal punishments were absolutely necessary, spiritual ones not producing their effect but in the next world, about which they were little concerned. Thanks be to heaven, the generality of Christians follow at present a different theology. Accordingly the excommunications of princes are much less frequent, because peoples eyes are opened, and do not think themselves obliged to renounce their allegiance to their sovereigns, in compliance to the pope's pleasure. It may be further observed on this decree, that, though it seemed to be levelled only against the earl of Thoulouse and the other protectors of the Albigenes, yet the consequences reached all Christian princes in general. And indeed from this principle naturally flowed the unlimited authority, too frequently exerted by the Roman pontiff.

The last canon of the council of Lateran that I design to consider is the XIVth. By this canon it is decreed, that the priests who are addicted to debauchery, in countries where marriage is allowed, should be more severely punished than those who live in places where they are obliged to celibacy. Hence it may be inferred, that the celibacy of the clergy was not yet universally established.

### COUNCILS in the reign of HENRY III.

**I** Shall not take upon me to speak of all the councils in the long reign of Henry III. because they were, for the most part, convened only to supply the popes with money, or to countenance their exactions. I shall content myself with chusing such as more immediately concerned religion, or wherein something remarkable was transacted.

Synod at  
Canterbury,  
wherein  
were con-  
demned  
three per-  
sons.  
Spelm. Con.

In 1222, cardinal Langton convened, in the cathedral of Canterbury<sup>e</sup>, a provincial synod, where three men were condemned, and delivered over to the secular arm. . The first pretended to be Jesus Christ, and shewed on his body the five wounds of our Saviour. The second was a hermaphrodite, who accompanied that impostor. The third was a deacon, who, to marry a Jewish woman with whom he was in love, had circumcised himself<sup>1</sup>.

Synod  
against the  
marriage of  
priests.

In 1225, the same prelate held a synod, where was made a canon, confirming the prohibition of the marriage of the priests. Hence it may be presumed there were still in England, priests who stood their ground against all former prohibitions.

Council of  
St. Paul's.  
M. Paris.  
Spelm. Con.

In 1237, Otho, the pope's legate, convened a national council at London, in St. Paul's church. As he knew there was a design to oppose the canons against pluralities, he obtained of the king a guard of two hundred men. As soon as the prelates had taken their seats, he ordered certain canons to be read, which were brought from Rome ready prepared, according to the new method. When the canons against pluralists came to be read, Walter de Cantilupe bishop of Winchester, and some other prelates strenuously opposed it, and even protested against it. This opposition obliged the legate to declare, that the canon should be in force only during his legateship. However, it was no sooner passed upon that condition, but an ecclesiastic in the legate's retinue, read aloud a decretal epistle of the pope, by which it was ordained that this canon should be perpetually binding.

The IIId states the number of the sacraments, and reckons them seven<sup>2</sup>.

The IIIId fixes the eves of Easter and Whitsunday for the administration of baptism; and as some people scrupled to baptize their children on these days, their scruples were condemned.

The XXIIId enjoins the clergy to live on their benefices at least the best part of the year. This canon was absolutely necessary at that time: as the pope dispensed with the residence of the Italians who possessed a great number of benefices in England, if the English had not been obliged to reside, the churches would have been quite forsaken.

\* T. Wikes says it was in Osney monastery, near Oxford, p. 39.

f He was tied to a stake and burnt; whereas the impostor was condemned to perpetual imprisonment, and to be fed

with nothing but bread and water. T. Wikes.

g Namely, baptism, confirmation, penance, the eucharist, extreme unction, matrimony, and orders.



In 1239, was held at London a council, which plainly refused the legate the money demanded to defray the expenses of his legateship.

The next year, the same legate assembled another synod, where he demanded for the pope the fifth part of the revenues of the clergy, but could not prevail.

All the rest of the councils, from 1240 to 1264, were only to demand money of the clergy.

During the barons wars, were assembled two councils; Synods at the first at Reading, where was confirmed the appeal brought by the barons, from the proceedings of the legate then at Bologne. In the second, held at Northampton in 1266, Othobon the legate excommunicated all clergymen engaged in the earl of Leicester's party. Reading and Northampton. T. Wikes.

In 1268<sup>a</sup>, the same legate convened a national council, wherein were published certain constitutions from Rome, some whereof are still part of the canon-law of the English church. As several of these constitutions tended to lessen the power and jurisdiction of the bishops, strong opposition was made against them, which obliged the legate to prorogue the assembly till next day. He so wisely improved this short interval, that gaining, either by promises or threats, such as appeared most averse, on the morrow he met with no farther opposition. This was the manner of holding councils in those days. Councils at St. Paul's. M. West. p. 400. T. Wikes. p. 85.

The Ist of these constitutions allows laymen to administer baptism in case of necessity. Constitutions brought from Rome.

The second forbids priests to take money for administering the sacraments, and prescribes these words in giving absolution, "I absolve thee from all thy sins;" or, "By the authority committed unto me, I absolve thee," etc. Hence it may be inferred, that there were still some priests who scrupled to pronounce the absolution, and were contented with a bare declaration.

The IXth enjoins residence to vicars.

The XIIIth confirms the privilege of sanctuary to churches.

The XIVth ordains the solemnizing of marriage in public.

The XXth is against commutation in lieu of penance.

The XXIII<sup>d</sup> provides against alienating any part of the tithes from the parochial clergy: This constitution particularly concerned the monks, to whom such alienations were daily appropriated.

<sup>a</sup> Speiman places this council in the year 1248.

The XXXth is against pluralists.

Original of  
Commenda-  
ments.

The XXXIst forbids the giving benefices in Commendam, and declares a benefice held in that manner, vacant. This custom, which was become much in vogue, owed its original to the persecutions to which the church was exposed, whilst the northern nations were over-running the western empire.

Paul Hist. of  
the Inquis.  
of Ven.

When by the fury of the wars, the priests and bishops themselves were forced to fly, the principal prelates of the province appointed priests to officiate in the vacant benefices, till the pastor could resume the care of his flock. This custom at length was abused in a manner very prejudicial to the church. After peace was restored, such priests as were not the true pastors, and were stiled commendatories, were however continued in the benefices. For that reason several councils endeavoured to reform this abuse, by decreeing, that those who held benefices in Commendam should not receive the profits, or officiate as pastors above six months. But the popes, pretending to be above the canons, continued to dispose of the benefices in Commendam for term of life.

The XXXIId canon decrees, that before a bishop was consecrated, strict enquiry should be made, whether he held more livings than one, without a dispensation, and whether the dispensation was authentic and in form?

The XXXIVth declares void all previous contracts between patrons and persons presented to benefices.

Artifice to  
get certain  
canons  
vested.

These are the principal councils held in England, from the beginning of the reign of Henry II, to the end of that of Henry III, that is, during the space of six score years. After having observed the manner of making the canons, it will be necessary to add another remark on that subject. It happened very often, that in order to pass a canon, which was like to meet with strong opposition, it was inserted, among many others of great use. This was done, that the opposers might be accused of obstructing the best regulations. This artifice was not only practised in councils but likewise in parliaments, when to pass certain bills, others of absolute necessity were tacked to them. However, it has met from time to time with such strong opposition, that it has not been able hitherto to grow into custom.

What has been observed in these councils, concerning the celibacy of the clergy, is a clear evidence, that it was not yet universally established, though it is pretended that Anselm accomplished it in the reign of Henry I. This evidence may be farther supported by facts. Long after Anselm, Richard, a bishop of Litchfield, was son of Robert bishop of Chester; upon

upon which an historian remarks, that in those days, the being son to a priest was no obstacle to promotions in the church. The same historian relates, that the pope complaining, that the bishop elect of Ely was not come to Rome for his confirmation, the English ambassador merrily replied, The prelate had a very lawful excuse, taken from the holy scriptures, for "He had just married a wife." We see also in Baronius's Annals, that a legate sent by pope Innocent III. into Poland to establish the celibacy of the clergy, did at last carry his point, but attempting to do the same thing in Bohemia, he was in danger of his life.

There was another article, of no less importance to the popes, and which they pushed as vigorously as that of celibacy. <sup>Pope's</sup> This was to give to their ordinances or decretals the same <sup>decretal's</sup> authority as to the canons of the councils. In 1150, Gratian published a collection of decretals, containing all the ordinances of the popes to that time, that it might serve for a rule in the administration of ecclesiastical justice. To this collection were added afterwards, several decrees in order to compose a complete body of the canon-law. Raymond de Pegnosford, penitentiary to Gregory IX, was ordered, to collect these decrees, which were published in 1230, and intitled, The second part of the Canon-law. He annexed some constitutions of the councils, and resolutions of the doctors, since the year 1250, where the second part began. This last collection was not only a supplement to the old canon-law, but even altered it in several articles. For instance, it is determined, that bastards should not be capable of ecclesiastical preferments, without the pope's dispensation. By this addition, "without the pope's dispensation," the court of Rome assumed indirectly, the power of favouring bastards, when it should be thought proper, contrary to the antient constitutions of the councils. That court could never have a better opportunity to publish the decretals, since its power was now at the utmost height. There was neither subject nor prince that dared to oppose the will of the popes, when they spoke with an absolute tone. And therefore without finding much resistance, they enacted as a law, whatever they pleased to decree, even though directly contrary to the laws then in force. For example, as to the case of bastards, the laws of England considered as illegitimate, children born before marriage, notwithstanding their parents were afterwards married; but the canon-law decreed the contrary; on which there were great contests in the parliament of Merton in 1236<sup>1</sup>.

The

<sup>1</sup> In the statute of Merton, chap. born before marriage is a bastard. Upon X. it is declared, that whoever is this the bishops replied, that it was Vol. III. O contrary

Religious  
orders.

Dominicans.  
Hoved,  
p. 573, &c.

The Romans pontiffs were no sooner become absolute monarchs in the church, but great numbers of religious orders arose, which were as a standing army, to support the grandeur and power of the popes. The council of Lateran endeavoured to prevent this abuse, by expressly forbidding the institution of any new order of monks. But that did not hinder Dominic de Guzman a Spaniard, who had long preached against the Albigenes, from forming the project of a new order, under the name of Predicant Friars, of which he petitioned for pope Innocent's confirmation. The pope, on account of the prohibition of the Lateran council scrupled at first to consent to that establishment: but, if we may believe the historians of that order, he was told, by a heavenly vision, that he could do nothing more serviceable to the church. However, it was Honorius his successor that confirmed this new order, by the name of Predicant Friars, because the design of their institution was to preach against heretics. They were likewise called Dominicans, from their founder, and in France, Jacobins, from their first settlement in St. James's street in Paris. The court of the inquisition was committed to the Dominicans, which rendered them famous for their cruelties upon the pretended heretics, of whom that court is judge. They settled in England in 1317, shortly after their institution.

Franciscans

The order of Franciscans, founded by Francis de Assisi, quickly followed the Dominicans. Innocent III. approved of it in 1215, but did not authentically confirm it. It was Honorius III. that established it by a bull in 1223, and the next year this order settled in England. The religious, who embraced this rule, took, out of modesty, the name of Minors, or Minorites, and though in time, they were divided into several societies, they all acknowledged Francis d'Assisi for their head and founder. By their rule, they were not to preach, or take confessions in any diocese, without express leave from the bishop. But this article was not long observed by them. They represented to the pope, that christians were ashamed to confess themselves to their own pastors. That many scrupled to do it, because the parish-priests themselves were guilty of the sins confessed to them. In fine, that

contrary to the canons of the church, and were very urgent with the barons, to consent that such as were born before, should be legitimate, as well as those born after marriage, the church

having decreed it so. But the barons with one voice answered, that they would not consent "that the laws of the realm should be changed."

they

they had not the discretion to be secret. Upon this foundation, they desire for that part of their rule, a dispensation, which was readily granted them.

The Dominicans and Franciscans acquired so great a character for holiness among the people, that there were but few persons that had not one of these fryers for director. Consequently, the alms they received were very considerable. They had moreover another advantage, in that, for a long space, almost all the popes were chosen out of one or other of these orders. So by their credit at the court of Rome, they obtained very often grants of what belonged to other orders; under colour that it was necessary for their subsistence. On the other hand, they amassed immense riches, as well by the voluntary gifts of the living, as by the legacies and grants extorted from the dying, by making them believe nothing could contribute more to their eternal salvation. Mean time, as these two orders laboured with equal ardour to ingross the benefactions of the devout; and thereby became rivals to one another, a jealousy arose between them, which was soon followed by a most scandalous quarrel, that was not easily ended.

Progress of  
these two  
orders.

Rupture be-  
tween them

In a council at Rochester, in 1244, a new order of fryers, called Cross-Bearers, appeared and demanded leave to settle in England. These produced a bull from the pope, forbidding all persons to reproach them, and empowering them to excommunicate those that should dare to violate this privilege. The synod not thinking proper to grant their petition, they were sent away, on pretence, that the licensing them was a direct breach upon the canons of the late council of Lateran.

Cross bear-  
ers sent out  
of England

I shall close this abstract of the state of the church; with some remarks on the celebrated ecclesiastics of those days.

Johannes Sarisburienfis, native, and not bishop of Salisbury, as some have affirmed, was one of the ornaments of the church of England, for learning, politeness, and regularity of life. He was very intimate with Adrian IV. who used to complain to him of the weight of the papal crown. However, the bull which this pope gratified Henry II. with, on account of the conquest of Ireland, seems to shew, he was not the most scrupulous, John de Salisbury, who adhered to Becket, and followed him into France, procured by his means the bishopric of Chartres. He wrote the Polycraticon, or de Nugis Curialium; a collection of letters; and several other inconsiderable tracts. He died in 1181, or 1182.

John de  
Salisbury  
Gervas.  
p. 1434.

I shall say nothing here of Thomas Becket, or of Stephen

Langton, archbishops of Canterbury, having sufficiently spoken of them elsewhere <sup>k</sup>.

Baldwin of  
Canterbury.  
Gervas.  
Hoved.

Baldwin archbishop of Canterbury, who attended Richard to the Holy Land, where he died, passed for a good divine. Some of his works, still extant, shew this reputation not to be groundless. His great contest with the monks of St. Augustin, who were grown very insolent, put him upon founding a society of regular canons <sup>l</sup>, near Canterbury <sup>m</sup>, with design to transfer to them by degrees the privileges of the monastery of St. Augustin. But the monks, having early knowledge of his intent, made such an interest at the court of Rome, that the archbishop was forced to desist from his project.

Hugh of  
Lincoln.

Hugh bishop of Lincoln, a native of Grenoble, was one of the most illustrious prelates of the church of England, in the reigns of Richard I. and king John. His virtue gained him great reverence from the people of his diocese, who were terribly afraid of being excommunicated by him, because they observed, as they imagined, that those who lay under his censures, seldom failed of being visited with some worldly calamity. It is related, as an instance of his zeal and resolution, that by his own authority, he ordered to be removed out of the church of Godstow in Oxfordshire, the tomb of Rosamond, mistress to Henry II. which stood in the middle of the choir, hung with black velvet, and wax tapers about it. Though he was told, the tomb was placed there by the king's order, he thought it ought not to be suffered, saying, it was a shameful thing, that the tomb of such a woman should stand in so honourable a place. This bishop dying with the reputation of a saint, was canonized by Honorius III. in 1221.

Alexander  
Cementarius.  
M. West.

During king John's contest with the pope, Alexander Cementarius a clergyman, who had been professor of divinity at the university of Paris, publicly preached, that the pope had not power to deprive kings of their crown. This freedom drew on him the indignation of the court of Rome, who reduced him at length to the necessity of begging his

<sup>k</sup> It was Becket that appointed Trinity-Sunday. Gervas.

<sup>l</sup> Hoveden says, prebendaries, p. 637.

<sup>m</sup> At Hackington, about half a mile from Canterbury. He had proceeded so far as to build a magnificent church, but was forced to demolish it. This foundation was to be in honour of

Becket, and the secret project was, to draw the election of the archbishop from St. Augustin's to this convent. Matters were adjusted between him and the priory of St. Augustine, in November 1189. But he built a church at Lambeth, and therein placed the prebendaries, he intended for his monastery at Hackington. Hoved.

bread from door to door. Matthew Paris inveighs against the errors of this doctor, though no one seemed more convinced than himself of the pope's abuse of his power, as he has plainly shown in his history. p. 228, 229.

Walter de Gray, archbishop of York, was more famous as a statesman, than as a bishop. His successors were enriched by his bounty in purchasing the manor of Thorp, and annexing it to his see. He built likewise at London a stately palace, which went by the name of York-Palace; but was afterwards called White-Hall<sup>a</sup>. Unfortunately, this house, which was for many years a palace-royal, was some time since burnt down to the ground. Walter of York.

Edmund, who, from a canon of Salisbury, was promoted to the archiepiscopal see of Canterbury, after the pope had annulled three elections to make room for him, was very commendable for his moderation and regular life<sup>o</sup>. He would have been glad to see the pope's power, which was then at the highest, reduced within due bounds. But perceiving, as matters stood, such an attempt must have proved unsuccessful, he chose rather to give way to the torrent, than withstand so formidable a power, supported moreover by the king's authority. However, to avoid the blame of a base compliance, he retired into France, to the monastery of Pontigny, where his austerities shortened his days. He was canonized by pope Innocent IV. in 1216. Edmund of Durham.  
M. Paris.

Richard Poor, bishop of Salisbury, and afterwards of Durham, is remarkable upon two accounts. Whilst he was bishop of Sarum, he persuaded the inhabitants to remove to a more advantageous situation, where Salisbury now stands. Here he laid the foundation of a stately church, which was not finished till thirty years after, and remains to this day. The second thing which rendered this prelate famous, was his synodical constitutions for the use of the church of Salisbury. They are in all eighty seven, of which I shall mention only the XVth, which forbids the priests to take money for saying mass, and the XXXIVth, whereby it plainly appears, that the laity communicated at that time in both kinds. Richard Poor of Durham.  
M. Paris.

Alexander Hales, born in Gloucestershire a great canonist, and stiled the Irrefragable Doctor, was professor of divinity in Hales.

<sup>a</sup> This house is said to be first built by Hugo de Burgh, earl of Kent, and given to the Dominicans, of whom the archbishop bought it. When cardinal Wolsey fell, Henry VIII. seized and made a palace royal of it.

<sup>o</sup> He was born at Abington in Berkshire. His father's name was Reynald le Rich, and his mother Mabel was reputed a saint. He founded a school in Oxford, and bred up under him many great scholars. Hist. & Antiq. of Ox.

## THE HISTORY

the university of Paris. Among his other works, he composed short notes on the Bible, and a commentary [in four books] upon the Master of the Sentences; where, as the learned Du Pin observes, he discovers more skill in logic and metaphysics than in the antiquities of the church.

Sewald of  
York.  
M. Paris.

Sewald, archbishop of York, was an able divine, and of an unblameable life. He took pattern by Edmund archbishop of Canterbury, his master. He was so angry at the frequent exactions of the court of Rome, that he could not forbear writing a sharp remonstrance to pope Alexander IV. upon that subject. Amongst other things he told him, when Christ commissioned St. Peter to feed his sheep, he did not give him authority to flea them. This freedom, with his refusal to admit certain Italians, who came with provisions from the court of Rome, drew on him the displeasure of Alexander, who at length excommunicated him. The archbishop upon his death-bed, complained of the pope's injustice, appealing to Heaven. Matthew Paris doubtless did not believe, this excommunication deprived Sewald of eternal salvation, since he affirms, this prelate wrought a miracle in his last sickness.

Kilwarby of  
Canterbury.  
W. R. sh.

Robert Kilwarby, archbishop of Canterbury, was a very learned prelate for that age. His merit raising him to the dignity of cardinal, he resigned his archbishopric to live at Rome.

Grosetest of  
Lincoln.  
M. Paris.

I shall conclude what I have to say, concerning the most noted ecclesiastics of those days, with an account of one of the most eminent, I mean, Grosetest bishop of Lincoln. As there are several curious particulars about him, I shall speak more fully of him than of the rest.

Grosetest was a prelate of resolution and courage, neither to be gained by court-favours, nor frightened by the pope's menaces; rocks which few ecclesiastics, in those days, knew how to avoid. He, being wholly intent upon following what appeared to him reasonable and just, without being swayed by any consideration, little regarded the circumstances of the times, or the quality of persons; and opposed equally, the king's will, and the pope's pleasure, according as it happened. By this steadiness he acquired a great reputation among the people, long accustomed to see the bishops stoop to the king or the pope. It chanced one day, that he excommunicated the sheriff, for refusing to imprison an excommunicated person<sup>p</sup>, who contemned the church's cen-

M. Paris.

<sup>p</sup> One Ralph a clergyman, whom he had deprived for incontinence, and afterwards excommunicated, for refusing to submit to the sentence. The sheriff was Ralph's friend.

tures,



tures. Henry III. very angry with the bishop, for not applying to him, to oblige the sheriff to execute the canons, addressed the pope, to support his authority; a remedy worse than the disease.

This affair obliged Grostest to take a journey to Rome, where he was confirmed in his ill opinion of the papal court. He could not see without indignation and concern, the best preferments in the kingdom bestowed on Italians, who neither resided on their benefices, nor understood English. His grief to behold the church's revenues devoured by these harpies, causing him to refuse to institute an Italian to one of the best livings of his diocese, he was presently after suspended. But, regardless of the censure, he continued his episcopal functions, his flock being no more scrupulous than himself. He even refused, at that very time, to admit of new provisions from the pope in favour of other Italians. He declared, that to entrust the cure of souls to such pastors, was to act in the name of the devil rather than by the authority of God. p. 316.

The court of Rome was unwilling then to make any noise, for fear of turning against her the whole clergy of England, from whom she reaped a plentiful harvest. For this reason, the pope thought it best to connive at the disobedience of the prelate, who was of known resolution, and in great repute with the people. He chose rather to try to win him by fair M. Paris. means, in giving him a testimony of his esteem, by a commission to reform certain abuses crept into the monasteries. Notwithstanding this, Grostest soon after touched the pope in a very sensible part, by computing the yearly sums drawn by the beneficed Italians out of England. Innocent IV. sat then in the papal chair. He had been so used to treat the English with haughtiness, that he could not hear of the bishop's proceedings without being extremely provoked. But as he durst not attack him upon that account, because what he had done was universally approved, he fell upon him for refusing to admit his provisions, and sent him a menacing letter, which would have frightend any but him. Grostest returned the person, that was ordered to send him the letter with certain instructions<sup>2</sup>, a very bold answer, of which the reader will not be displeased to see the following extract.

“ I desire your prudence to take notice, that I am always p. 316.  
“ ready to obey the apostolical instructions, and declare my-

<sup>2</sup> Matthew Paris mentions not the contents of the brief, but only takes notice in general, that the bishop looked

upon the instructions the pope had sent him, to be unreasonable, as they usually were, says our author.

# THE HISTORY

“ self an enemy to whatever is repugnant thereto. For to  
 “ both these things, I am bound by the command of God.  
 “ To apply this : the apostolical instruction <sup>r</sup> must of neces-  
 “ sity be agreeable to the doctrine of the apostles, and of our  
 “ Saviour Jesus Christ, who is principally represented by the  
 “ pope. Since Jesus Christ has declared, He that is not with  
 “ me is against me, the sanctity of the apostolic see is such,  
 “ that it can never appear in opposition to our Lord. From  
 “ hence it plainly follows, that the letter in question <sup>s</sup>, is  
 “ directly opposite to an apostolical character. First, because  
 “ of the clause Non-obstante, so frequently made use of now-  
 “ a-days, which has nothing of natural equity in it. On  
 “ the contrary, it is certain it introduces a deluge of mis-  
 “ chief, as it gives occasion to a great deal of inconstancy  
 “ and breach of faith. It shakes the foundation of mutual  
 “ trust, and makes language and writings of no force or sig-  
 “ nificancy. In fine, it cannot be, but that the purity of  
 “ religion, and the peace of society, must suffer extremely by  
 “ such a stretch of apostolical authority. In the second place  
 “ next to the sins of lucifer and antichrist, there cannot be a  
 “ greater defection, or which carries with it a more direct  
 “ opposition to the doctrine of our Saviour and his apostles,  
 “ than to destroy souls, by depriving them of the pastoral  
 “ office. And yet it is evident, that those are guilty of this  
 “ sin, who undertake the sacerdotal function, and receive the  
 “ profits without discharging the duty. For in the scripture-  
 “ account, the pastor who neglects his flock, is a downright  
 “ murderer of the sheep. Can one help therefore consider-  
 “ ing, as a most flagrant crime, a conduct which tends so  
 “ strongly to the destruction of truth and virtue, and the  
 “ happiness of mankind ? if in moral productions, the cause  
 “ of good is better than the effect, it is just the contrary in  
 “ the propagation of vice, the source and original whereof  
 “ are worse than the disorder that flows from them. It is  
 “ manifest therefore, that those who bring such unqualified  
 “ persons into the church, and by that means destroy the  
 “ hierarchy, are most to blame ; and their crime rises in pro-  
 “ portion to the height of their station. From hence I con-  
 “ clude, that the apostolical see, which has received so full  
 “ an authority from our Saviour, for edification, and not for  
 “ destruction, ought not to countenance, much less to com-  
 “ mand, so horrid and pernicious a prevarication. To at-

<sup>r</sup> By which are meant the pope's or-  
 ders.

<sup>s</sup> Meaning the pope's brief,

“tempt any thing of this kind, would be a notorious abuse, if not a forfeiture of her authority. It would be in effect, to stray far from the throne of glory, and to represent very ill the person of our Saviour. Such persons may be said rather to be placed in the chair of pestilence, and to sit upon the bench with the devil and antichrist. Neither can any Christian, who desires to continue in the communion of the church, and pays a due regard to the apostolic see, obey any commands of this kind, though imposed by an angel from heaven. On the contrary, he ought to rebel, if I may so say, against the order, and oppose it to the utmost of his power. For these reasons, since the instructions above-mentioned are so plain a contradiction to the catholic faith, and the sanctity of the apostolic see, my duty obliges me to refuse them, and not to comply out of deference to the person by whom they are sent. Neither can your prudence justly put any hardship upon me, because, properly speaking, my refusal ought not to be looked upon as a contumacy, but rather as a filial respect. For, to sum up all in a word, the apostolical see has its commission only for edification, and not for destruction, and the plenitude of its power ought not to extend beyond what relates to edification. But these provisions, as they are called, have a manifest tendency to destruction. Therefore, the holy see can by no means allow such a liberty: for, to conclude, these practices are revealed by flesh and blood, which cannot inherit the kingdom of heaven, and not by the father of our Lord Jesus Christ.”

This letter put Innocent into a terrible rage: “What! Id. p. 372. says he, has this old dotard the confidence to censure my conduct! By St. Peter and St. Paul, I will make him such an example, that the world shall stand amazed at his punishment.” His passion, however, was moderated by the cardinals, who represented to him the ill consequences of too great a severity: that the noise he should make on this occasion, would be prejudicial to the holy see, since it would infallibly cause the English to examine the motives: that it was to be feared, that in their present dispositions to the holy see, and to the bishop of Lincoln, they would think it very

“For, continues the pope, is not his sovereign, the king of England, our vassal? Nay, is he not our slave? It is but therefore signifying our pleasure to the English court, and this

“antiquated prelate will be immediately imprisoned, and put to what further disgrace we shall think fit.” Mat. Paris, p. 372.

strange

strange that a prelate of so established a reputation, should be treated with such rigour: that, on the contrary, there was a necessity of carefully avoiding the giving them occasion to examine what he alledged to justify his non-compliance; and therefore it was most advisable to take no notice of the insolent letter. Though these remonstrances moderated the effects of the pope's fury, they were not however sufficient to appease him entirely. The Annals of Lanercost inform us, the bishop was excommunicated a little before his death, and, without regarding the censure, appealed to the court of heaven. This is farther confirmed by the report of several historians, who say, that Innocent moved in the conclave, that the body of Grostest should be taken up and buried in the high-way, but that the cardinals consented not to it. Be this as it will, if he was excommunicated, he did not regard it, but continued to discharge his functions; neither was the clergy in his diocese more scrupulous than their bishop, and obeyed him till the day of his death. The bishops his brethren, and the monks themselves, though strongly attached to the pope, were not more apt to believe this excommunication had produced any great effect. Some who were present at his death, affirmed, they were entertained with divine music in the air over the house where he died. We find likewise, that in the pontificate of Clement V. the dean and chapter of St. Paul petitioned very earnestly for the canonization of Grostest, on account of several miracles wrought by him after his death. But as he was not of that sort of saints wherewith the court of Rome filled the callender, their petition was rejected. An instance of a bishop dying under the sentence of excommunication, and yet passing for a saint in the country where he lived, is a difficulty which must be left to be cleared by those whom it concerns. I shall only relate one circumstance more, which, if not true, is at least a proof of the great opinion of this prelate's sanctity. An historian reports, that Grostest, a little after his death, appeared in his robes to Innocent IV. and striking him on the side with his crozier, gave him a severe reprimand. He adds, that the pope was so frightened at the apparition, that he continued two days without eating. I have nothing to say concerning the truth of this relation, but only infer from it, that though the bishop died excommunicated by the pope, and in sentiments very opposite to those of the court of Rome, the historian however shows by this circumstance, that he believed him glorified in heaven.

Grostest

' Grostest<sup>a</sup> wrote several tracts. Among other performances M. Paris, he translated from the Greek into Latin, The Testament of the twelve Patriarchs, a copy of which John de Basingstoke, who met with it at Athens, put into his hands. As to the time when the original was written, it is uncertain. Dr. Cave assigns it to the latter end of the second century. Dod-Grabe, well places it in the first, and some others believe it was composed by some Jew before our Saviour's death<sup>w</sup>.

<sup>v</sup> He was born at Stodbrooke in Suffolk; and died October 8, 1253. Mat. Paris.

<sup>w</sup> As to the historians who lived in these four reigns, the most noted are;

Simoon of Durham, a monk and precentor of the church of Durham, in the year 1164, one of the most learned men of his age. He wrote, besides other things, two books, de Gestis Regum, which are not his master-pieces, being only a few indigested collections, chiefly out of Florence of Worcester, whose very words he frequently copies. He begins where Bede left off, and goes as far as the 29th of Henry I. 1129. He is one of the X Scriptores, published 1652, at London.

Henry archdeacon of Huntingdon, flourished about the same time; whose eight books, concluding with the reign of king Stephen, were published by Sir Henry Savil. He is a follower of Bede, and has borrowed a great many lies from Jeoffrey of Monmouth. He writes confusedly, and reduces the transactions of the Heptarchy to the several reigns of the West-Saxon kings, but has not adjusted them so well as he ought to have done.

William of Newburgh, so called from a monastery in Yorkshire, whereof he was member. His history begins at the Conquest, and ends at the year 1197. He was a violent persecutor of Jeoffrey of Monmouth. His Latin stile is preferred to that of Mat. Paris, and equalled with those of Eadmer and Malmfbury by Dr. Wats.

Gervase, a monk of Canterbury, wrote a chronicle of the reigns of Stephen, Henry II. and Richard I. with judgment enough, says bishop Nicolson. It was published among the X Scriptores. Lond. 1652.

Roger de Hoveden, chaplain some time to Henry II. He is charged with borrowing from Simoon of Durham, without acknowledging it; but, as bishop Nicolson observes, if he did, he has improved his story, adding years to many things confusedly related in that author. There are in his book many letters, speeches, &c. relating to ecclesiastical matters. He was cotemporary with Gervase, 1201. His history was published by Sir Henry Savil. Francf. 1601.

Ralph de Diceto, dean of London. He wrote about the year 1210. His Abbreviationes Chronicorum contain an abstract of our history down to the Conquest; and his Imagines Historiarum gives the portraitures of some of our kings more at length, ending with the first years of king John's reign. Mr. Seldon praises this author and his works, though bishop Nicolson says, he usually copied verbatim out of other writers. He is among the X Scriptores,

Walter, a monk of Coventry, a clear and faithful writer. He lived in Coventry in 1217. He has some few things of note not to be met with in Jeoffrey of Monmouth, Hoveden, and Huntingdon, in his three books of Chronicles, which are chiefly collections from the said authors.

Matthew Paris, a monk of St. Albans, one of the most renowned historians of this kingdom. His Historia Major contains the Annals at large of eight of our kings, from William the Conqueror to Henry III. It was first published at London 1571, and reprinted with additions of various readings, &c. by Dr. Wats, London 1640, and since 1685. From the year 1299, wherein Mat. Paris died, to Henry III's death, it was continued by William Rishanger, a monk of the same fraternity.

## THE HISTORY

nity. The whole work manifests a great deal of candour and exactness in the author, who tells us so particularly of the brave repulses given by many of our princes to the usurpations of the Roman see, that it is a wonder how such an heretical history came to survive thus long. A fair copy of this history, supposed to be written by the author's own hand, is in the king's library at St. James's. He wrote an abstract of his history, which Lambard

files his *Historia Minor*, having in it several particulars of note omitted in his *Historia Major*. It is pretended, that Paris had but a small hand in the whole history, having begun only at the year 1135, the rest being done to his hand by one Roger de Windlesore, or Windsor, (or de Wendover Prior de Bealvair, as it is in the MS copy in Cotton's library) one of his predecessors in the same monastery.



THE

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THE  
HISTORY  
OF  
ENGLAND.

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BOOK IX.

*The Reigns of EDWARD I. and EDWARD II. containing  
the Space of Thirty Five Years.*

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9. EDWARD I. : surnamed  
LONG SHANKS.

**T**HE death of Henry III. happening during the 1272. absence of his son Edward, who was to succeed Edward I. him, seemed to offer the malecontents a favourable opportunity to raise new troubles. However it was not attended with any ill consequence. Leicester's party was so humbled, that they were no longer able to look up. And though some restless persons should

<sup>a</sup> This was in reality the fourth king of this name, there having been three Edwards in the time of the Saxons. For this reason, in the speaking of this, and the two following Edwards, by the name of Edward I. II. III. it was usual to add, "post Conquestum," after the Conquest; but by degrees that addition was omitted. Rapin.

have

The barons  
swore fealty  
to Edward  
though ab-  
sent.  
M. West.  
An. Waverl.

have made use of this juncture to disturb the peace of the kingdom, the nation's good opinion of Edward, would have rendered their projects impracticable. This prince had shined with great lustre, during the latter part of his father's reign. The victory of Evesham, the reduction of the Ely rebels, and his clemency to them when reduced, were still fresh in the memory of the English, and filled them with esteem and admiration for his rare qualities. They did not doubt but he would employ all his talents, to restore the peace and tranquillity of the kingdom, which had received such violent shocks in the two foregoing reigns. Instead therefore of being inclined to favour the malecontents, they showed an extreme impatience to see their new sovereign, placing on him alone all the hopes of their future happiness. Though Edward was absent, and not even heard of, all the barons, with one accord, swore fealty to him<sup>b</sup>. At the same time they writ him a very respectful and submissive letter, inviting him to come with all speed, and take possession of the throne of his ancestors. Mean while they assembled at London, to commit the regency of the kingdom to such as should be deemed the most capable. Their choice falling upon the archbishop of York, and the earls of Cornwall and Chester<sup>c</sup>, the parliament, which met quickly after, confirmed all the measures taken for the preservation of the peace of the kingdom.

1273.  
An. Waverl.

The parliament was composed not only of the lords spiritual and temporal, but also of the knights of the shires, and representatives of the principal cities and boroughs<sup>d</sup>. The same thing had been practised under the government of the earl of Leicester, during the late king's captivity: but these assemblies had not been convened by a lawful authority. I shall not stay to examine whether, before the time I am now speaking of, the commons had a right to send representatives to parliament: this is a point full of difficulties, and not yet thoroughly cleared. I shall only say, it cannot be denied, that they enjoyed this privilege in the reign of Edward I. and from thence forward to this day, have preserved it without interruption.

<sup>b</sup> As soon as Henry was buried at Westminster, John earl of Warren, Gilbert earl of Gloucester, with the clergy and laity, went up to the high altar, and swore fealty to his son Edward, November 20. M. West.

<sup>c</sup> Walter Giffard, archbishop of York; Edmund Plantagenet, earl of Cornwall, son to Richard, brother to the

late king Henry III. and Gilbert de Clare, earl of Gloucester. M. West.

<sup>d</sup> According to the Annals of Waverley, this parliament consisted of the archbishops, bishops, earls, and barons, abbots, and priors, four knights from every shire, and four representatives from each city.



Edward pursuing his voyage without knowing what passed in England, safely arrived in Sicily; where he was received by Charles of Anjou with all the respect due to his merit and rank. At Messina it was that he heard of his father's death, for whom he appeared more concerned than for his eldest son John, the news of whose death was brought at the same time. From Sicily he went to Rome, where he staid some days to visit the new pope, who was his particular friend, and had accompanied him to Palestine, in quality of legate\*. After that, he took the road to France, and passed through Burgundy. As he had the reputation of being valiant and brave, the earl of Chalon, who valued himself upon the same qualities, desired his presence at a tournament, and even sent him a sort of challenge. Though a king of England might honourably decline entering the list with an earl of Chalon, Edward accepted his challenge without hesitation. He was apprehensive, no doubt, of injuring his reputation, in case he refused it: neither could the pope's letter, which his holiness sent to divert him from his purpose, prevail with him. Some historians pretend the Burgundians did not use all the fair play requisite on such occasions. They say the tournament was turned into a real fight, wherein the English had the advantage, and which was called, the Little Battle of Chalon.

As Edward passed through France, he thought he could not dispense with paying a visit to king Philip, who gave him a very honourable and civil reception, and received his homage for Guienne†. After that, Edward came to Bourdeaux, where the vassals of that dutchy did him homage. Some say, that Gaston de Moncade, viscount of Bearn, refusing to do homage, was taken into custody at Bourdeaux, where he was come to meet the king. But though it be true, that the viscount promised not to leave the court of Edward without his consent, it is, certain his difference with the king concerned not the homage of Bearn. The Collection of the Public Acts evidently shows, that the dispute was about another affair. It was decided at Limoges by Accursius, a famous civilian then in the service of the king.

As soon as Edward had settled his affairs in Guienne, he came into England, where he was received with all possible demonstrations of affection and respect, as having acquired fresh merit by his late expedition to Palestine. A few days

\* The pope granted Edward, for three years, the tenths of all the clergy's revenues in England. T. Wikes.

† The form of the homage, according

to M. West. was thus, "My lord king, I do you homage for all the lands which I ought to hold of you."

Edward arrives in Sicily. M. West. Walsing.

T. Wikes.

He is present at a tournament at Chalon. M. West. Walsing. Hemingsf.

He visits the king of France, and from thence goes to Guienne. M. West. Meserai. Walsing.

A. & Pub. II. p. 132.

1274. He arrives in England and is crowned. M. West. T. Wikes. An. Waverl. Walsing.

after his arrival he was crowned, with Eleanor his queen, in presence of Alexander III. king of Scotland, the duke of Bretagne, and all the peers of the realm. Historians say, that on occasion of this solemnity, five hundred horses were let loose about the field, and were given to such as could catch them.

He sends commissioners into several countries.

Pat. 2. Ed. I. M. 6.

He designs to chastise the prince of Wales.

The new king's first care, after his coronation, was to make strict inquiry into the affairs of the kingdom<sup>†</sup>. To that purpose, he appointed commissioners in the several counties to take exact information concerning the fees held of the crown, and the state they were in. They were likewise ordered to examine into, and punish the misdemeanors of the magistrates, who for some time had abused their authority in oppressing the subjects. This first step produced a wonderful effect among the people. It was plain, the king intended to govern in a very different manner from his father and grandfather, and every one confidently expected the happy fruits of the maxims he was following, to procure himself a peaceable reign. It was absolutely necessary for Edward to make himself esteemed and feared by his subjects, that no domestic troubles might obstruct the grand designs he was meditating. The first, and that which chiefly possessed his thoughts, was the chastising Lewellyn prince of Wales. Lewellyn had plainly discovered, during the late troubles in England, how dangerous a neighbour he was, since he was ever ready to countenance the English malecontents. Had it not been for him, the earl of Leicester would never have risen to that height of power; neither would the earl of Gloucester have become so formidable, without his assistance. The conduct of Lewellyn on these and several other occasions, had caused Edward to resolve to put it out of his power to hurt him. But the then circumstances of the times, and his voyage to the Holy Land, obliged him to defer the execution of his project. Lewellyn was not ignorant of it; he considered Edward as his greatest enemy. But his precautions to screen himself from his resentment had a quite contrary effect, as they furnished the king with a pretence to attack him.

† He issued out writs of enquiry by the oaths of twelve legal men, to two commissioners in every county, to enquire, what his royalties, and the liberties and prerogatives of his crown were, who were his tenants in capite, and military service, and how many, and what fees they held of him: of his tenants in ancient demesne, how they behaved themselves,

and in what condition their farms were: of sheriffs, coroners, escheators, bailiffs, and their clerks, whether they had extorted money from any man, by reason of their office, had wronged any one, or received bribes for neglecting or being remiss in their offices, &c. The whole enquiry containing thirty-four articles. Patent 2. Edw. I. M. 6.

I have

I have before observed, that old Lewellyn, grandfather to this prince, was become vassal and tributary to Henry III. and that his successor did homage to that king for all Wales. Though the Welsh afterwards made some struggles to throw off the yoke, even to the offering to submit to the pope, they could never succeed. In spite of the troubles in England during the late reign, the crown continued to reckon among her vassals, the prince of Wales. Immediately after the death of Henry III. and before the return of Edward, Lewellyn was summoned to appear and do homage to the absent king<sup>h</sup>, but he regarded not the summons. His refusal was the cause that the new king, presently after his arrival, ordered him to be summoned a second time, to do homage, and assist at his coronation as vassal. Lewellyn found reasons to be excused: he pretended, the English had not kept the late treaty of peace, and had committed on his frontiers several outrages, for which he demanded satisfaction. To remove this pretence, the king nominated commissioners to adjust all things, and withal summoned him again to appear and do homage. This third summons was no more regarded than the former. Mean while, Lewellyn being informed, the archbishop of Canterbury was going to excommunicate him, and put his territories under an interdict, writ to the pope to divert the blow. The means he used to gain the court of Rome were so effectual, that the pope forbid the archbishop to act against him, as long as he offered to do homage in his own country. Edward not being satisfied with these cavils, sent him a peremptory summons, which the Welsh prince thought fit to obey. He still insisted however upon the place, T. Wikes<sup>d</sup> pretending, he was obliged to do homage only to the king in p. 101. person, and on the borders of the two kingdoms. Edward readily consented to this: but a sudden illness seizing him as he was going to Shrewsbury, caused the homage to be deferred to another time. Afterwards Lewellyn repented of the advances he had made: and from thenceforwards nothing could prevail with him to trust himself in the hands of a monarch whom he looked upon as his sworn enemy. After several fruitless summons, the king found at length, that a more effectual method must be taken. However, as he was willing to settle the affairs of the kingdom, before he made war upon his neighbours, he was contented with citing Lewellyn before the parliament, which was to meet the beginning of

1275.

The reason  
of the war  
with Wales.

Act. Pub.

ii. 26.

Brady's Ap.

No 2.

<sup>h</sup> A writ was directed, Novem. 29, genham, to receive Lewellyn's oath of 1272, by Walter de Merton, then chan. fealty. See Brady's Appendix, No 2. cellor, to the abbots of Dore and Ha-

Act. Pub.  
ii. p. 68.  
Walsingham.

Statutes of  
Westminster.  
1276.  
Edward attacks the  
prince of  
Wales.  
Walsingham.  
Ann. Waverl.

the next year. The Welsh prince appeared not. He alledged in excuse for his refusal, that the king having shewn on several occasions an extreme animosity to him, he could not trust his person with his declared enemy. Nevertheless, he protested, he was ready to do him homage in his own country, if the king would send commissioners to receive it, or else in some third place, where he might be without danger. He offered moreover to come into the king's territories, provided he would give him the prince his eldest son in hostage, with the earl of Gloucester, and the high-chancellor. So arrogant an answer served only to confirm Edward in his resolution. He dissimbled however, that he might not interrupt the sessions of the parliament, which was employed in affairs of great importance; namely, in enacting excellent laws, for securing the peace and liberties of the people, as well as the immunities of the church, and privileges of the clergy. They were called, The Statutes of Westminster<sup>1</sup>.

When the parliament broke up the king seriously thought of the war, which he was resolved to carry into Wales, to punish the disobedience of Lewellyn. Whilst he was making preparations, some Bristol men happened to take a vessel, in which was one of the daughters of the late earl of Leicester, who was going to Lewellyn, to whom she was contracted. The prince demanded his wife, and the king refusing to send her, he perceived he was to expect a war. And indeed, as soon as Edward had taken all his measures, he convened the peers of the realm<sup>2</sup>, who passed judgment upon Lewellyn, declaring him guilty of felony, upon which the war was proclaimed. Lewellyn was then sorry, he had pushed matters so far. To divert the impending storm, he humbly sued for peace, and withal, intreated the king to restore him his wife. Both his requests were denied, unless he would bind himself, to repair all the damages done to the borders of England, during the late wars; a condition, which he would not accept. The war therefore was begun, but was not very vigorously pursued the first campaign.

<sup>1</sup> See them in Coke's 2d Institute, p. 156, &c. This same year, about Oct. 6. another parliament was held at Westminster, in which statutes were made for restraining the excessive usury exacted by the Jews; and it was also enacted, that they should wear a badge upon their clothes, in the shape of the two tables of Moses's law.—This parliament granted the king a fifteenth upon the laity, by the common consent

of the archbishops, bishops, earls, and barons Ann. Waverl.

<sup>2</sup> Or rather a parliament, at Westminster, after Easter; in which the king gave directions for levying the fifteenth upon the clergy and laity; and also issued out his orders for the exact observance of the charter of liberties, and the charter of forests. Ann. Waverl.

In the beginning of the next spring, Edward assembling a great number of forces, put himself at the head of his army, and marched into the enemies country. He caused a very large way to be cut through a vast forest, opening by that means a passage to the very center of Wales. Before he proceeded, he built the castles of Flint and Rhuddlan<sup>1</sup>, which secured him an entrance at all times; and a retreat in case of necessity. As the Welsh were not able to withstand him, he advanced further, and drove them to the mountain of Snowdon, their usual refuge, when pursued by the English. At the same time his fleet attacked the isle of Anglesey, which made but a faint resistance.

Lewellyn finding himself unable to oppose so formidable an enemy, was obliged humbly to sue for peace, which was granted, but on very hard terms. He was forced to promise to pay fifty thousand pounds sterling, for the expences of the war. Moreover, Edward restoring to him the isle of Anglesey, it was agreed, that for the future, he should hold it of the crown of England, paying yearly a thousand marks. He promised likewise to give entire satisfaction to his brother David, who had fled for refuge to the king, and delivered hostages for the performance of his word. The haughtiness of the prince of Wales being tamed by so mortifying a treaty, Edward was contented for once with the honour of the victory. He generously restored the hostages, and forgave him the sums he was bound to pay. However, he caused a grant of the isle of Anglesey to be made to him, which nevertheless he was not to enjoy, unless Lewellyn died without heirs. Then he delivered up the betrothed lady, and did him the honour to assist at his nuptials. He created also David, brother of Lewellyn, earl of Dinbigh, and to attach him to the interests of England, gave him to wife a rich English heiress<sup>2</sup>.

The happy success of the war with Wales was immediately followed by Edward's acquisition in France, of the earldom of Ponthieu and Montreuil, fallen to his queen by the death of her mother, queen of Castile, who was in possession. But to obtain of the king of France the investiture of that fief, he was obliged to confirm his father's treaty, made whilst a captive to the earl of Leicester, and to renounce, like him, all claim

<sup>1</sup> Rapin by mistake says Rutland, whereas it was the castle of Rhuddlan in Flintshire. This castle was built by Robert de Rhuddlan, nephew of Hugh earl of Chester. The castle therefore

was not built but repaired by Edward I. Camden in Flintsh.

<sup>2</sup> Eleanor, daughter of Robert de Ferrars, earl of Derby.

1277.  
Edward  
presses  
Lewellyn;  
An. Waver.

Who sub-  
mits to hard  
terms.  
Walsing.  
An. Waver.

1278.  
A. & P.  
ii. p. 91.  
Edward re-  
stores the  
hostages, ib.  
p. 95.  
Walsingh.  
T. Wikes.

1279.  
The earl-  
dom of  
Ponthieu  
falls to him.  
M. West.  
Walsingh.

M. West. to Anjou and Normandy. He reserved, however, the yearly rent of thirty pounds out of the revenues of Normandy, apparently as an acknowledgment that it once belonged to his ancestors.

The Jews punished for clipping and coining. M. West, T. Wikes, Walsingham, Nov. 12. This affair being ended, Edward seriously set about rectifying the coin, which was very much debased, during the troubles of the late reign. Upon information that the Jews were the chief authors of this mischief, he caused all that were in the kingdom to be seized in one day, that the guilty might not escape. Then, after a strict examination, two hundred and eighty <sup>n</sup>, convicted of clipping and coining, or putting off false money, received sentence of death, and were executed without mercy.

Statute of Mortmain. Stat. at large. M. West, T. Wikes, Knighton. An affair of another nature, but of no less importance to the public, furnished the king with a fresh opportunity to show his resolution, to reform the abuses introduced into the kingdom. The prodigious increase of the riches of the clergy and monasteries, had been long a subject of complaint, without any effectual remedy being found to put a stop to an evil so prejudicial to the state. The barons who had exacted from king John the great charter, had taken care to insert a clause, expressly forbidding all persons to alienate their lands to the church. But this prohibition, as well as several others, had been ill observed. The complaints upon this head were renewed in the beginning of this reign, wherein it was hoped, all grievances would be redressed. It was demonstrated to the king, that in process of time, all the lands would be in the hands of the clergy, if people were still suffered to alienate their estates to the church. And indeed, the church never dying, always acquiring and never alienating, could not but in the end be possessed of all the riches and lands of the kingdom. Edward having maturely considered the affair, summoned the parliament, and proposed the making a law to reform this abuse. The proposal was received with joy, and a statute was made, whereby all persons were forbid to dispose of their estates to societies, which never die, without the king's express consent. The statute was called the statute of Mortmain, because it was intended to prevent estates from falling into dead hands, that is, hands of no service to the king and the public, without hopes of their ever changing their owners.

<sup>n</sup> Of both sexes, were executed in parts of the kingdom, M. Westm. London; besides great numbers in other

The parliament which met the next year, being desirous to redress another abuse, unadvisedly gave birth to a greater. During the troubles of the two late reigns, several persons appropriated to themselves lands, which did not belong to them. The crown itself was a sufferer by it. To remedy this evil, and give to every one his own, the parliament passed an act, in itself very just. It imported, that all who were in possession of the contested estates, should be obliged to produce their titles before the judges, in order to be examined. The statute, from the English word Warrant, was stiled Quo Warranto, and is properly a right to demand of any person, by what warrant, or title, he holds the estate in dispute\*. This regulation was just and necessary. But the king, misled by ill advice, and a desire of amassing money, made use of it, contrary to the design of the parliament, to oppress his subjects. As he was sensible, that among the great numbers, who held their lands of the crown, it could not be but that many had lost their titles, he was resolved to take advantage of their misfortune, under colour of putting the statute of Quo Warranto in execution. To that end, he published a proclamation, enjoining all persons that held lands of the crown, to lay their titles before the judges of the realm. This proclamation was looked upon as the source of a very great grievance. And indeed, those that were first attacked, and could not produce their original titles, though they proved a long possession, were forced to pay large sums to the king, to preserve their estates. This grievance would have gone much farther, had not a stop been put to it by the courage of the earl of Warren. The earl appearing before the judges, was required to shew the title, by virtue whereof he held his lands. He answered, by drawing an old rusty sword, and saying to the judges, "This is the instrument, by which my ancestors gained their estate, and by this I will keep it as long as I live". So bold an answer seemed likely to involve the earl in trouble : but it had a quite contrary effect. The king found by it, how difficult it would be to exact upon the nobility on so frivolous a pretence, without falling into great inconveniences. He saw plainly, there were

1280.

The statute  
of Quo  
Warranto.  
An. Waverl.  
Hemingf.

The king  
makes an ill  
use of it.

Bold reply  
of earl  
Warren.

\* It must be observed, that the statute of Quo Warranto was not passed till 13 Edw. I. These here were writs of enquiry issued out by the king after the parliament was dissolved.

P His answer was, "My ancestors coming in with William the Bastard, won these lands by the sword, and

"by the sword I will defend them  
"against any that will take them  
"away ; for that king did not conquer  
"for himself alone, neither did my  
"ancestors assist him for that end."  
Tyrrel. p. 30. from Hemingford. Chr. Abing.

still among the barons, persons as ready to hazard all in defence of their rights and properties, as those in the time of John and Henry III. Besides, he thereby knew, how unjust his pretensions appeared to the people, as indeed they were. These considerations inducing him to revoke his proclamation, the people expressed their joy in such a manner, as plainly showed, how much they resented the oppression. On the other hand, the king's moderation turned more to his advantage than his injustice had done to his injury. His subjects blamed the ministry for whatever was odious in his conduct, and ascribed to him the honour of reforming what was amiss by his prudence. What glory soever this prince had acquired by his victories, his conquest over himself on this occasion, gained him more honour than all his warlike exploits. It is infinitely less glorious for a sovereign to subdue provinces and kingdoms, which belong not to him, than to desist voluntarily from a pretension, which he discovers to be unjust.

1281.  
War with  
Wales.

These domestic employments were interrupted by the revolt of Lewellyn. This prince, bearing with impatience the yoke of the English, made a fresh attempt to free himself from it, but it served only to bring on his destruction. Three things especially engaged him in the enterprize. The first was, the restless temper of his brother David. What care soever Edward had taken to gain his affection by several favours, this prince never ceased to excite his brother to take up arms, in order to free himself from subjection. He thought it his own concern, because, as Lewellyn had no children, he was his presumptive successor. The second thing that inclined Lewellyn to war, was a certain prophecy of the famous Merlin. The Welsh fancied to see in this prediction, that Lewellyn was destined to wear the crown of Brutus, the first king, as it was pretended, of the whole island of Albion. This notion had taken so deep root in their minds, and even in Lewellyn's himself, that they built upon it, as on a sure foundation. The third and only thing alledged by Lewellyn, were certain grievances, a list whereof he delivered to the archbishop of Canterbury, who was come to persuade him to peace. If these grievances, of which an historian<sup>9</sup> has given us the substance, were real, this prince had certainly great reason, to endeavour to deliver himself from the yoke laid upon him. But Edward refused to hearken to his complaints.

Walling.

M. West.

Walling.  
Powel's  
Chron.  
T. Wikes.

<sup>9</sup> They are in Powel's Chronicle of Wales. See a full account of them in Tytel, vol. iv. p. 35. &c.

This



This hard usage convinced Lewellyn, that a vigorous defence was the only means to free him from a subjection deemed by him a real slavery. He took up arms therefore to shake off this galling yoke, and surprizing the lord Clifford, the king's general, on the frontiers, slew several of his men, and took him prisoner. Then, penetrating into the English territories, he committed great ravages, and defeated the earls of Northumberland and Surry<sup>1</sup>, who were sent into those parts to stop his progress.

M. West.  
An. Waver.  
T. Wikes.  
Walsing.

It was a great mortification to Edward, that his troops should suffer themselves to be beaten by the Welsh. However, in hopes of being more fortunate himself, he drew together a numerous army, to go once more and tame the fierceness of Lewellyn. Whilst his troops were marching towards the borders of Wales, he paid a visit to the queen his mother, who was retired to the nunnery of Ambersbury. This princess, prepossessed in favour of the late king her husband, showed her son a man, who pretended to receive his sight at the tomb, and by the intercession of Henry III. She imagined doubtless the king would be pleased with it, but was very much surprized to hear him say, he was so well persuaded of his father's justice and probity, that he did not question, but, had it been in his power, he would rather have deprived the impostor of his sight, than restored him to it.

Edward  
marches in  
person  
against the  
Welsh.  
T. Wikes.  
M. West.  
Walsing.  
False mira-  
cles attribu-  
ted to  
Henry III.  
Walsing.

Edward making but a short stay with the queen his mother, went and headed his army. He entered Wales without any opposition, Lewellyn being retired to the mountain of Snowdon, in a post that could not be attacked. Not discouraged by this obstacle, Edward resolved to invest his enemy, by securing all the avenues, through which he might make his escape. Nothing could more express his desire to succeed in his undertaking, than such a project, which none of his predecessors had ever ventured to attempt. After fortifying all the posts, he caused a bridge of boats to be made over the river Menay, opposite to Bangor, that he might send troops likewise into the isle of Angleley. After that, foreseeing the blockade would hold long, he left it to the management of Roger Mortimer; and went and waited the issue in the castle of Rhudhlan. Posted as Lewellyn was, he would doubtless have tired the patience of his enemies, if an unexpected accident had not induced him to deprive himself of that advantage.

M. West.  
Walsing.

<sup>1</sup> There was at this time no earl of Northumberland. The earl of Surry was John Plantagenet.

**T. Wikes.** Some of the English that were in Anglesey, passing the bridge above-mentioned, in order to view the country, were attacked by the Welsh, and so closely pursued, that the greatest part were slain or drowned in endeavouring to regain the island \*. This advantage made Lewellyn imagine, heaven began to declare in his favour, and Merlin's prophecy was going to be accomplished. Full of this pleasing notion, he descends into the plain, to fight the English, not considering the inequality of his forces. But he quickly found how groundless his expectations were, since in the battle wherein he rashly engaged, he was slain on the spot †, after seeing his army entirely routed. In his pocket were found some letters in cypher, by which it appeared, he had great friends in England, but Edward did not think fit to make a strict inquiry. However, to strike a terror into those that were engaged with that prince, he commanded his head, crowned with ivy, to be exposed to view on the walls of the Tower of London. Hence might be gathered, what subjects were to expect from the king's severity, since a sovereign prince was treated in that manner.

Lewellyn  
vanquished  
and slain.  
Walsing.

Act: Pub.  
ii. p. 224.

His head  
set upon the  
Tower.  
M. West.  
Knighton.

Edward be-  
comes mas-  
ter of all  
Wales.  
T. Wikes.  
Walsing.

1283.  
He puts  
David,  
Lewellyn's  
brother to  
death.  
M. West.  
Knighton.  
An. Waver.

Such was the end of Lewellyn, descended from Rhoderic the Great, and from one of the most antient royal families in Europe. With him expired the liberty of his nation. The Welsh, discouraged by their prince's death and defeat, being no longer able to resist, Edward easily became master of their whole country, which he distributed, for the most part, amongst his officers and courtiers, reserving to himself only the sovereignty and fortified places ‡.

Some time after, David, brother of Lewellyn, roving still about the country, had the misfortune to be taken by the English, and sent to Rhudhlan, where the king still remained. In vain did he earnestly beg the favour of casting himself at his feet to implore his mercy. As he was the last of his family, Edward was willing to secure his conquests by his death. Pursuant to this resolution, he ordered him to be conducted

\* T. Wikes says, that above three hundred men at arms, under the conduct of the lord William Latimer, and Lucas de Thony, commander of the Gascon forces, would needs pass over the bridge, before it was quite finished, to shew their valour: but as soon as the tide came in, and had flowed beyond that end of the bridge which was near the continent, the Welsh came rushing upon them. There were slain

and drowned no less than fifteen knights, thirty-two esquires, and about a thousand common soldiers. This defeat happened on the 6th of November. Ann. Wigorn.

† By Stephen de Francton, near Langweyr in Buelt, Decemb. 11. Chron. Abingdon. Dr. Powel.

‡ He built the castle of Aberconwey, at the foot of Snowdon-hill. M. West, p. 411. An. Waverl. p. 238.

to Shrewsbury, where, by the advice of the parliament, called upon that occasion <sup>v</sup>, he was condemned to die the death of a traitor. This rigorous sentence was executed, with all the circumstances attending that infamous punishment. His head <sup>ii. p. 274.</sup> was fixed near that of the prince his brother, and his four quarters were sent to York, Bristol, Northampton and Winchester <sup>x</sup>.

Edward's severity to this prince is related by all the historians, without any censure. And yet it is an action that can hardly be excused. Supposing the rigour of the law authorised a sentence of death, was it not very barbarous to execute a prince of a royal family, in a manner till then unusual with regard to persons of distinguished birth? What would not these historians have said, if a king of France, after taking in fight a brother of the king of England, had ordered him to be ignominiously hung on a gibbet? or if, finding the body of the king himself slain in battle, had caused his head to be placed on the walls of the Bastille?

After thus securing the possession of the principality of Wales, Edward sought means to prevent all accidents that might occasion its loss. The annexing that country to the crown of England, was what seemed most proper to that end. Accordingly he summoned a parliament, where it was resolved, that Wales should be inseparably united to the crown. Thus the Welsh, the small remains of the ancient Britons, lost at length their liberty, after preserving it in that little corner of the island, above eight hundred years. Surely, they cannot, without injustice, be denied the commendations due to the resolution, wherewith they had hitherto defended their country. Destitute of all succours, without foreign alliances, and without a naval power, they had stood their ground against the kings of England, Saxons and Normans, who had almost all attempted to subdue them with forces vastly superior. It is true, they were often obliged to pay tribute to the English monarchs: but however, they always remained a distinct nation, governed by their own laws. It was not by their valour alone that they preserved their liberty, but also by their policy, in dexterously fomenting the dissen-

Wales united to England.  
Knighton.  
Walsing.

<sup>v</sup> The writs of summons are still extant upon record; the first of which is to the lords, to meet the king at Shrewsbury, on September 30; the second writ is directed to the sheriffs of every county in England, to cause to be chosen two knights, for the company of the same county; as also

a third writ directed to several cities and boroughs; and a fourth writ to the justices. Rot. Wallie. 2 Edw. I. M. 2 Dors.

<sup>x</sup> This is the first example of this manner of execution done upon traitors, which has since been commonly continued.

tions of their neighbours, till at last, the time appointed for their losing that most valuable blessing, happened in the reign of Edward I. It may, however, be said, that if amends can be made for such a loss, they had reason to be easy, since they became one and the same nation with their conquerors. From that time they have all along enjoyed the same laws and privileges, which render the people of England the happiest nation under the sun.

1284.

Death of  
Alphonfus,  
son to the  
king.  
Aët. Pub.  
ii. p. 175.  
ii. p. 18.

The satisfaction Edward received from the conquest of Wales, was immediately followed by a great affliction, caused by the death of Alphonfus his son. He was a prince of great hopes, and being now twelve years of age, was going to marry the only daughter of Florence earl of Holland. This was the third son Edward lost within the space of three years, John his eldest son died before his return from the Holy Land. Henry, his second, was contracted to the only daughter of Theobald king of Navarre <sup>x</sup>.

Birth of  
Prince Ed-  
ward.  
M. West.

Though the Welsh were entirely subdued, they failed not to shew on all occasions, their extreme regret to see themselves subject to the English. Some of them had even the boldness to tell the king, he should never peaceably enjoy their country, as long as they were not governed by a prince of their own nation. If we may believe certain historians, this bold declaration induced the king to give them some sort of satisfaction. They pretend, from that moment he purposed to give them for prince, the son whom he hoped his queen, then with child, would shortly bring into the world. They add, with this view, he caused her to lie in at Caernarvon, where, according to his expectation, she was brought to-bed of a prince, called Edward, and surnamed of Caernarvon, the place of his birth. It is said, that immediately after the queen's delivery, he convened the states of Wales, and declared to them his resolution, to give them a prince born in their country, and who could not speak a word of English: Then he nominated to them the prince his son,

Stow's Ann.

<sup>x</sup> King Edward having undertaken the crusade for the Holy Land, and by reason of the Welsh wars, and other affairs, not being able in his own person to perform it, appointed his brother Edmund for that service; and there being six years tithes collected from the clergy, according to the canon of the second council of Lyons, laid up in several monasteries, and other places, for an aid for the Holy Land; pope Martin IV. sent two preaching friars

into England for the exportation and return of this money, by his agents and foreign merchants; whereupon king Edward issued out, on May 24, 1282, a writ to hinder it; and moreover, sent commissioners the next year to the places where it was laid up, to see how much there was, and to order the safe keeping of it for the right use. See Brady's History, vol. iii. p. 11. and Appendix, N. 3.

just

just born at Caernarvon. But other writers not so credulous, M. Welf. An. Waverl. considering doubtless this circumstance as a puerility, have thought fit to pass it over in silence<sup>a</sup>. And indeed, it was only a poor equivocation, little capable of satisfying the Welsh, and not at all agreeable to the character of Edward. Besides, it is certain, the young prince was not invested till the year 1301. with the principality of Wales, being then seventeen years of age<sup>a</sup>.

The conquest of Wales, and the universal esteem the king was in among his subjects, procuring England a profound tranquillity, what passed in the kingdom till the war with Scotland, is of no great concern: and therefore, I shall slightly pass over the domestic affairs, contenting myself with briefly relating some of the principal circumstances<sup>b</sup>.

We find in the year 1285, the king took away the charter 1285. of London, and turned out the mayor, because he offered Fabian's Chron. himself to be bribed by the bakers, and put in another by his own authority. But quickly after, the city found means to recover their charter, by making the king a present<sup>c</sup>.

This year the king called a parliament, which made some M. Welf. T. Wikes. An. Waverl. Walsing. additions to the ancient statutes, by the name of the Second Statute of Westminster<sup>d</sup>.

In the year 1286, Edward ordered all the Jews in the kingdom to be seized, upon one and the same day<sup>e</sup>. The 1286.

<sup>a</sup> As far as can be found, it is mentioned only by the modern Chronicles.

<sup>b</sup> King Edward having settled matters in Wales, came about the middle of December to Bristol, where he kept his Christmas, and held a parliament, "*non universali seu generali, sed tanquam particulari et speciali parlamento*" — and from thence repaired to London; where, soon after, he received orders from the king of France to attend him in his expedition, by reason of the lands he held in Gascony; but hearing at Dover, a truce was concluded between the kings of France and Arragon, he went into Norfolk. T. Wikes. Walsing.

<sup>c</sup> This year, a parliament was held in October, at Acton-Burnel in Shropshire, wherein was enacted, the statute of Acton-Burnel. Walsing.

<sup>d</sup> George Brooksbey, the mayor, was turned out for taking bribes from the bakers, to connive at their selling bread six or seven ounces too light in the pound loaf. But Mr. Tyrrel observes, that notwithstanding this seizure, the

politic body, or corporation of the city, was not dissolved; but they enjoyed all privileges of holding courts, &c. (the choice of a mayor only excepted) as they had done before the said seizure, p. 52.

<sup>e</sup> You have it in Coke's 2d institute, p. 321, &c. This parliament was held at Westminster, after Easter. Another parliament was held at Winchester, in the beginning of October, wherein some statutes were made about robbers. Ann. Waverl. p. 239. — The abbey-church of Westminster having been sixty-six years in building, was finished this year. Stow's Survey. — Also about this time, we find merchant strangers were first permitted to rent houses, and to buy and sell their own commodities themselves, without any interruption from the citizens; for before this, they hired lodgings, and their landlords were the brokers, who sold all their goods and merchandize for them. Fabian's Chron.

<sup>f</sup> The second of May. They were forced to pay the king twelve thousand pounds of silver. T. Wikes, p. 114.

commons

he king  
gets from  
the Jews  
large sums.  
T. Wikes.  
Knighton.  
He goes into  
France.  
M. West.  
Walsing.  
Motives of  
his voyage.

commons granted him a fifteenth of their moveables, to expel the kingdom all such foreigners as were a burden to the nation. He promised it, but after obtaining the subsidy, he granted them a delay, which was dearly purchased<sup>f</sup>.

About the middle of the same year, three important affairs called Edward into France, where he continued above three years. As in the mean time, nothing very remarkable passed in England, I shall only relate the affairs he had to manage in France. The first was, his demand of the provinces taken from the kings John and Henry III. concerning which, there was a long negotiation. The second related to the homage he was to do to Philip the Fair, king of France, who had lately succeeded Philip the Hardy, his father. The third was, the agreement he undertook to procure between the houses of Arragon and Anjou, concerning the kingdom of Sicily.

Earl of  
Pembroke  
left regent.

The king finding his presence was not absolutely necessary in his kingdom, now in profound tranquillity, left the regency to the earl of Pembroke<sup>g</sup>, and embarked for France. He spent the best part of a year in soliciting the restitution of the provinces, taken from the crown of England by the predecessors of Philip the Fair; but all his pains upon that account were ineffectual. The court of France being then in a flourishing condition, and in no danger from England, was deaf to all his proposals. All the benefit he could reap from the negotiation, was a pension of ten thousand pounds<sup>h</sup>, in lieu of his claim to certain lands situated beyond the Charent, of which Philip kept possession, contrary to the tenor of the antient treaties. The two monarchs signed a new treaty; after which, Edward did homage to Philip. The form of the homage, rendered only in general terms, and the previous protestations, evidently show, Edward had still a mind to keep up his pretensions, in order to prosecute them at a more favourable juncture. Without specifying, in his homage, any particular country, he affected to include all those provinces to which he had any claim. As this is a matter of moment, and was afterwards attended with great consequen-

A new treaty  
between  
Edward and  
Philip the  
Fair.  
M. West.  
T. Wikes.  
An. Waverl.  
Walsing.

<sup>f</sup> This year Eleanor, king Edward's mother, was veiled in the monastery of Amberbury; but obtained a licence from the pope to keep her jointure. And the same year, Mary, king Edward's daughter, was veiled a nun in the same monastery. Walsing.

<sup>g</sup> Ademar de Valonce. See Rymer's Fed. T. II. p. 301. The Ann. of Waverl. say, he left it to Edmund

Plantagenet earl of Cornwall.

<sup>h</sup> Yearly; to be paid at the Tower of London, at the charge of the king of France; besides some arrears for Normandy. M. West. This, as Mr. Tyrrel observes, though related by our historians, does not seem probable; since Edward had already parted with his claim to Normandy.

res, it will not be improper to recite the very words of the homage, with the protestations, as they occur in the Col. T. ii. p. 320. section of the Public Acts.

“ On Wednesday in Whitsun-week, in the fourteenth <sup>Homage</sup>  
 “ year of the reign of Edward, and in the first of Philip, at <sup>done by</sup>  
 “ Paris, in a room of the royal palace, king Edward did <sup>Edward to</sup>  
 “ homage to king Philip, in the following terms, spoken <sup>Philip.</sup>  
 “ by the bishop of Bath and Wells.

“ **S**IRE, king of France, king Henry, father of my lord  
 “ the king of England here present, made certain de-  
 “ mands upon Lewis king of France, your grandfather,  
 “ whereon a treaty of peace was concluded between them.  
 “ Pursuant to that treaty, Henry did homage to your said  
 “ grandfather, for the land he actually held on this side the  
 “ water, and for such, as the said Lewis had obliged him-  
 “ self to put into his hands, by the above-mentioned treaty  
 “ of peace. My lord king Edward here present, after the  
 “ death of his father, did homage to the king your father for  
 “ these lands, and according to the tenor of the said peace.  
 “ And though my said lord might with justice, as several of  
 “ his council are of opinion, refuse to do the same homage,  
 “ because the said peace has not been observed, and because,  
 “ to his great prejudice, several attempts have been made  
 “ upon the lands which he holds; nevertheless he is un-  
 “ willing at present to enter into dispute upon that score,  
 “ provided you will cause the said peace to be kept, and the  
 “ damages he has sustained to be repaired.

“ I become your man for the lands I hold of you, on this  
 “ side the water, according to the tenour of the peace made  
 “ with your ancestors.”

It is easy to see, that, in this homage, Edward took care  
 of expressions, not to promise too much. Besides his pro-  
 testations by the mouth of the bishop, he would do homage  
 only in general terms, for the lands he held without speci-  
 fying any thing, reserving to himself the explanation at some  
 other time. But, whatever his thoughts were, Philip, ima-  
 gining no doubt, he had a right to explain the same terms to  
 his own advantage, was very ready to receive the homage,  
 with this affected obscurity. He even granted him, a few <sup>Act Pub.</sup>  
 days after, letters patents, whereby he consented, that the <sup>ii. p. 321.</sup>  
 lands possessed by Edward in France, should not be liable to  
 forfeiture, either for unjust judgment, or denial of justice.

Moreover,

Moreover, he promised to send back the appellants to the Seneschal of Guienne, and promised to allow him three months to maintain or rectify the judgments. But this concession was to take place only during the life of Edward, after which things were to return to their former state.

Difference  
between the  
houses of  
Anjou and  
Arragon.  
M. West.  
An. Waverl.  
Walsing.

These two affairs kept Edward at the court of France about a year. But the reconciliation he undertook to mediate between the kings of Sicily and Arragon, employed him much longer, and proved a very troublesome affair; for which he had no other reward, but the satisfaction of endeavouring to reconcile these two illustrious houses. Though this affair relates not directly to Edward, who acted only as mediator, yet as it wholly employed him for two years, I hope it will not be taken amiss, if I briefly explain the occasion of those differences, and the principal events they produced.

I have already observed in the late reign, how the pope invested the house of Swabia with the crown of Sicily, and the efforts they afterwards used to wrest it from thence. I left Manfred the bastard in possession of the two Sicilies, and the pope solemnly giving the investiture of these two kingdoms to Charles of Anjou, after having long amused prince Edmund, brother of our Edward, with the hopes of that crown. It will be necessary, briefly to resume the sequel of that history to the time I am now speaking of.

Charles of Anjou knew better how to improve the pope's favour than Edmund. With the assistance of the king his brother, he levied a powerful army, and came to Rome, where the pope solemnly crowned him king of the two Sicilies, on the 28th of June 1265. In the beginning of the next year, he marched towards the kingdom of Naples, and on the 26th of February, obtained a complete victory over Manfred, who was slain on the spot. Freed by this single battle from all the obstacles which lay in his way, he took possession of the two Sicilies, and enjoyed them some time without a rival. The Gibelines<sup>1</sup>, that is, the party against the pope, ruined by the

<sup>1</sup> It is uncertain whence the names of Guelph and Gibeline were derived. Some give the following account: In 1130, there happened a schism in the church, through the concurrence of Innocent II. and Anacletus, the first of whom was favoured by the emperor; the other by Roger, count of Sicily and Naples, an active and warlike prince, who drew to his side Guelph duke of Bavaria. The emperor Conrad III, entering Sicily with a German

army, and followed by prince Henry his son, who was brought up at a place in Germany, called Gibeline, Guelph, duke of Bavaria, marched to the assistance of his ally; and it happened, as both armies were ready to engage, that the Bavarians cried in their language, Hier Guelph; which being answered by the troops commanded by the prince, by Hier Gibeline, the Italians retained the words, to distinguish the different parties, and called the factions by them. Blondo. Sigonius.



flourishing condition of Charles, who supported the Guelphs, and was himself supported by them, sought all possible means to deprive him of the two kingdoms. They persuaded Conradin, son of the emperor Conrade, that being the sole heir of the house of Swabia, he ought to assert his right to the Sicilies, and snatch the prey out of the hands of Charles of Anjou. There was no need of much sollicitation to incline Conradin to this undertaking. Without a moment's consideration, the young prince assumed the title of king of Sicily, and in spite of the excommunication thundered against him by the pope, came into Italy, where at first he made some progress. This prosperous beginning inspiring him with great hopes, he advanced towards Naples, to fight his enemy. Upon his approach, Charles raised the siege of Nocera, which he had begun, and marching towards him, met him near the Lacus Fucinus, now called Celano, and gave him battle. This success was fatal to Conradin, who had the misfortune to lose the day, and be taken prisoner. The conqueror making a cruel use of his victory, carried his barbarity so far, as to behead the young prince, who was but sixteen years of age. He caused him to be tried and condemned by the Syndics of the cities of the kingdom, who were so base, as blindly to follow the directions of that bloody prince.

The extinction of the house of Swabia, of which Conradin was the last male, should, one would have thought, have disabled the Gibelins from any farther attempts. But if they were astonished by this fatal blow, they were not quite disheartened. By the death of Conradin, the rights of the house of Swabia were devolved to Peter king of Arragon<sup>\*</sup>, who had married Constantia daughter of Manfred. Though these rights came only by a base son of that house, the Gibelins despaired not to draw the king of Arragon into their quarrel, since it might be the means of procuring him two kingdoms. John, lord of Procida, an old servant of the house of Swabia, took upon him the negotiation, and to con-  
Farrellus's history of Sicily.  
 cert with Peter the necessary measures, to accomplish the design of dethroning Charles of Anjou. In the first place, he secured the concurrence of the pope Nicholas III. who was displeased with king Charles. Then he went on to Constantinople, and obtained an aid of money from the emperor

\* When Conradin was on the scaffold, he threw his glove into the square, desiring the person who took it up, to carry it to a relation of his, as a mark of the investiture which he gave him

of the inheritance of the family of Swabia, of which he was the last heir-male. This glove was carried to Peter, king of Arragon. Rapin's account of Rymer's Fœdera, p. 48.

Michael, who was threatened with a war by the king of Sicily. These measures being taken, he went and communicated his project to the king of Arragon. Peter was at first unwilling to embark in an undertaking, which seemed beyond his strength. But the pope's approbation, the Grecian emperor's money, and the Sicilians revolt, which he was made to consider as certain, determined him at length. Besides, Procida intimated to him, that he might, without any hazard, be prepared to take advantage of the good successes, or relinquish the undertaking, without appearing to be concerned. To that end, he advised him to fit out a fleet, on pretence of invading the Moors of Africa, and even to besiege one of their towns. He added, if, contrary to all expectation, the revolt of the Sicilians should fail, he might continue the war upon the infidels, without discovering he had any other design, but if the Sicilians should keep their word, he would be ready to improve the events.

A.A. Pub.  
ii. p. 201.

The project being thus adjusted, John de Procida returned home to prepare his friends when matters were ripe. The king of Arragon's armament alarmed the kings of France and Sicily, but he knew how to dissimble so well, that he made them easy. When his fleet was ready he sailed for the coast of Africa, where he besieged Andacalle. He had with him Roger de Lauria, the best sea-officer then in Europe. In the mean time, Procida took all his measures so well, that in one night the Sicilians cut the throats of above eight thousand French, who were then in the island. This massacre, which was called the Sicilian Vespers<sup>1</sup> was acted upon Easter Eve, on the 30th of March 1282. The news being brought to Rome, where Charles of Anjou then was, he made all possible expedition, to prevent the consequences of the conspiracy. As he had a fleet ready, which was designed against the emperor of Constantinople, he set sail, and arrived before Messina. His sudden coming so surprized the inhabitants of that great city, that, despairing of being timely relieved, they offered to surrender upon condition of having their lives spared. The desire of revenge, which had wholly possessed the king of Sicily, would not suffer him to grant them that favour. Whereupon the Messinians, finding by his refusal what they were to expect from so revengeful a prince, resolved to sell their lives dearly, chusing rather to die sword in hand, than on gibbets or scaffolds.

<sup>1</sup> Because the bell which rang to evening prayers was made the signal.

Mean time, the king of Arragon being informed that the Sicilians had proceeded so far that there was no danger from their inconstancy, came in a few days to Palermo, where he was crowned. Then he sent Charles a letter, commanding him in a haughty strain to quit a country where he had no farther pretensions. Charles returning him still a more haughty and offensive answer: but however, fearing the Spanish fleet would intercept the provisions that were coming from Naples, he resolved to raise the siege, and retire into Calabria. He was no sooner gone, but the king of Arragon made his entry into Messina, where the inhabitants received him with all possible demonstrations of joy and thankfulness.

Charles, enraged to the last degree, carried his complaints to pope Martin IV. successor of Nicholas. He used, in speaking of the king of Arragon, the most opprobrious and abusive terms, offering even to fight him hand to hand, or a hundred against a hundred, to make him own himself to be a base, cowardly, and perfidious traitor. These words coming to the ears of the king of Arragon, he sent ambassadors to Rome, to justify his conduct and accept the challenge. Charles received the proposal with joy, and his eager desire to be revenged personally of his enemy, caused him to consent to a truce, during which were settled the conditions of the future duel between the two kings. It was agreed, each should appear at Bourdeaux, at the head of a hundred horse, on the 1st of June 1283, and that the king of England should instantly be entreated to appoint the lists in that city; to honour their duel with his presence, or to send some person in his stead. It must however be observed, it was expressly said in the articles, "That whatever happened, the two kings should appear at Bourdeaux on the day appointed: but if Edward was present in person, the intended duel should not be fought, unless the parties agreed upon it afterwards." Though all the historians unanimously affirm Edward appointed the lists at Bourdeaux, it is very certain he refused it: his letters upon this occasion to the king of Sicily, and the prince of Salerno his son, are a clear evidence he had never any thoughts of granting their request, since he plainly told them, were he to gain the kingdoms of Sicily and Arragon, he would not appoint the lists for such a duel. These letters are in the Collection of the Public Acts, taken from the records of England.

Though Edward's refusal disengaged the two kings from the obligation to fight, they were however bound by the articles to be at Bourdeaux. Charles came on the day appointed,

Act. Pub.  
tom. ii.  
p. 223.  
Ibid.

Project of a  
single combat  
between  
the kings of  
Arragon  
and Sicily.

Act. Publ.  
tom. ii.  
p. 226.

Id. p. 239.  
et 240.

ed, with a hundred horse, and staid there from sun-rising to sun-setting, but finding his adversary did not appear, he retired. As soon as he was gone, Peter, who was all the while in Bourdeaux disguised like an esquire, went to the seneschal of the city, and taking a certificate of his appearance, left him his arms for a testimony. This proceeding of the king of Arragon gave occasion to the French historians to speak dishonourably of that prince, as if want of courage was the reason of breaking his word, and of using that fraud to evade his engagements. But it would not be very difficult to justify his conduct, if this were a proper place for it<sup>m</sup>.

Though, as I observed, the king of Arragon was freed from the obligation of fighting, since Edward came not to Bourdeaux, yet his proceeding was very much exaggerated in France and Italy. It was pretended to be a plain proof that he was himself convinced of his injustice to Charles of Anjou, since he durst not venture to decide their difference by a single combat, which he himself had accepted. Pope Martin IV. a Frenchman, and wholly devoted to the house of Anjou, thundered against the king of Arragon a sentence of excommunication, though he produced the investiture of Sicily privately given him by Nicholas III. He even absolved his subjects from their oath of allegiance, and gave the kingdom of Arragon to Charles earl of Valois, second son of the king of France<sup>n</sup>. Notwithstanding all this, Peter still kept the two kingdoms; and, to insult the pope under colour of submitting to his authority, ordered himself to be called only the Chevalier of Arragon. Martin perceiving himself thus ridiculed, resolved to make that prince know he was not to be insulted with impunity: he published a crusade against him, of which Philip III. king of France was declared general, and there were people weak enough to imagine they should obtain paradise in espousing the quarrel of the pope and the house of Anjou. It is true few but Frenchmen were engaged in the crusade, where their king was particularly concerned, since it was intended for placing his son on the throne of Arragon.

Whilst Philip was preparing for this undertaking, Roger Lauria rendered his master's arms prosperous in the Mediterranean. He had taken Malta from Charles of Anjou, after gaining a naval battle, where the French fleet was entirely

<sup>m</sup> See the ext act of volume II. of the Public Acts of England, in the Bibliothèque Coisic Mr. Le Clerc, tom. xx. p. 53. where this affair is fully discussed, and the king of Arragon's conduct justified. Rapin.  
<sup>n</sup> Philip III. who was then alive. Rapin.

destroyed. Immediately after the victory, he attacked the coasts of Naples, with design to draw out of his ports the prince of Salerno, to whom his father king Charles had left the command of his fleet. This design succeeded to his wish: the prince of Salerno, greedy of glory and unable to bear the insults of Lauria, rashly engaged in a sea-fight, where he had the misfortune to be vanquished and taken prisoner. He was forthwith sent to Sicily, where he saw himself in danger of losing his head on a scaffold, the Sicilians designing to make him suffer by way of retaliation for Conradin. But Constantia, queen of Arragon, was so generous as to free him from this peril, by sending him to the king her husband, who was then in Spain. Charles's vexation at the loss of his fleet and his son's imprisonment, was the greater, as he arrived three days afterwards with a powerful supply, and had expressly commanded the prince not to fight till reinforced. This accident, which entirely disconcerted his affairs, was probably the cause of his death on the 6th of June, 1285. He left for successor Charles II. his son surnamed the lame, prisoner in Spain, to whom the Arragonians gave only the title of prince of Salerno during his captivity.

Neither the death of Charles, nor the loss of the battle of Naples, were capable of diverting Philip from his projects. In May, that very year, he headed his troops, consisting of eighty thousand foot and twenty thousand horse, and (though he heard in his march of the death of the king his brother) entered Roussillon, and became master of Perpignan. Then he advanced into Catalonia, where after several conquests, he laid siege to Gironne. The king of Arragon attacking a convoy going from Rozes to the siege, was hurt in the skirmish, and died three months after of his wounds. He left Arragon and Catalonia to prince Alphonso, his eldest son; and Sicily to James, his second son, on condition that if Alphonso died without heirs, James should succeed in Arragon, and resign Sicily to Frederic his younger brother.

The king of France's successes in the beginning of the war did not last to the end of the campaign. Roger Lauria attacking the French fleet, destroyed all the ships except a few that escaped to Rozes. On the other hand, the sickness in Philip's army retarded his progress by land. In fine, being himself seized with the contagion, he was carried to Perpignan, where he ended his days on the 6th of October. Philip IV. his son, surnamed the Fair, was his successor. Honorius IV. was now chosen in the room of Martin IV. who died the same year.

Edward is  
mediator  
between the  
kings of Arra-  
gon and  
Sicily. .  
M. West.  
T. Wikea.

Ad. Pub.  
tom. ii.  
p. 342.  
M. West.  
An. Waver.  
Walſing.  
1288.  
Ad. Pub.  
tom. ii.  
p. 358.

p. 371.

ib. p. 435.  
450. 455.

Such was the state of the affairs between the houses of Arragon and Anjou, when Edward, accepting the mediation offered him by both parties, undertook to adjust their differences. The main difficulty of the negotiation consisted in freeing the prince of Salerno out of the hands of the king of Arragon, without which it was impossible to procure a peace, Edward took great pains to succeed : he had upon that occasion several interviews with Alphonso. Mezerai affirms he went to Sicily, to talk with king James : but the English history mentions not this voyage. In short, at a conference between him and Alphonso, at Oleron in Bearn, they settled the terms on which the prince of Salerno was to be released, and for which, as far as concerned the ransom, Edward consented to be security. After this, the articles of agreement were confirmed by a treaty concluded at Campo Franco the 4th of October 1288. Nicholas IV. successor to Honorius, strongly opposed the execution of the treaty : he thought it too advantageous for the king of Arragon, and too dishonourable for the holy see ; because the prince of Salerno, without consulting him, had obliged himself to cause the earl of Valois to renounce the kingdom of Arragon. This opposition raised fresh difficulties ; but they were at length surmounted by the prudence and pains of Edward, who acted as mediator with great impartiality. To facilitate the execution of the treaty, he was willing to give English hostages to the king of Arragon, and to cause the principal cities of Guienne to interpose as pledges, Alphonso doing the same with regard to the principal cities of his dominions.

In consequence of this agreement the prince of Salerno was set at liberty, leaving his sons in hostage. It seemed, this affair, which was in so good a way, would quickly be ended, the main obstacle being removed by that prince's liberty, who was bound by the most solemn oaths : but he performed nothing of what he had sworn. He not only caused himself to be crowned king of the two Sicilies by the pope, contrary to the express terms of the treaty, but also did his utmost to confirm the earl of Valois in the resolution to prosecute his pretended right to the kingdom of Arragon. When he thought his affairs in good order, he feigned a willingness to return to imprisonment, as he was obliged in case he performed not the articles of the treaty : for that purpose he repaired to a certain place, where the king of Arragon was to receive him, and exchange him for the prince his sons, but came so well attended, that Alphonso did not think fit to venture upon his sincerity. This occasioned mutual complaints, reproaches,  
and

and apologies; each party applying to the king of England, as mediator and guarantee of the treaty. Edward, in all appearance, being tired with acting in favour of these princes, who so ill answered all his pains, left them to decide their differences as they pleased, without concerning himself any farther. But not to leave the reader in suspense how this dispute ended, I shall add in two words, that, after long negotiations, mixed with many hostilities, the two princes adjusted their quarrel by a treaty; the prince of Salerno, called Charles the Lamb, kept Sicily on this side the Faro, which from thenceforth began to be distinguished by the name of the kingdom of Naples; and the house of Arragon remained in possession of the island of Sicily: the earl of Valois renounced also his pretensions to the kingdom of Arragon<sup>o</sup>.

After staying above three years beyond sea, Edward returned into England, in August 1289. His first care was to reform several abuses introduced in his absence, particularly in the administration of justice<sup>p</sup>. Upon complaints from all hands, that the judges suffered themselves to be corrupted with bribes, he strictly examined into their conduct, and severely punished the guilty: of this number was (sir Thomas Weyland) chief justice of the king's bench, who was banished the realm, and his estate confiscated<sup>q</sup>. These misdemeanors which were but too frequent, gave the king occasion to oblige the judges to swear, that for the future they would take neither money nor present of any kind, except only a breakfast, which they might accept, provided there was no excess. A historian affirms, the king got above a hundred thousand marks by the confiscation of the estates of the offenders<sup>r</sup>.

1289.

Edward returns to England.  
T. Wikes.  
An. Waver.

Walsing.

In

<sup>p</sup> A parliament was held at London, in February 1288, wherein John de Kirby, lord treasurer, demanded, by the king's order, as he said, an aid for the king's charges in France. But the parliament answered, by the earl of Gloucester, their spokesman, that they would grant nothing, unless they saw the king personally present. Whereupon the treasurer imposed a tallage on the cities, burroughs, and the king's demesnes. T. Wikes.

<sup>q</sup> This was done in the parliament mentioned a few lines lower. T. Wikes.

<sup>r</sup> The king punished thus severely, not only the justices of the king's bench, but also the justices of the Jews, and of the forests, the foresters, sheriffs,

stewards of manors, and all other delinquents. T. Wikes.

Sir Ralph de Hengham, chief justice of the higher bench, was fined seven thousand marks; sir John Lovetot, justice of the lower bench, three thousand marks; sir William Bramton, justice, the like sum; sir Solomon Rochester, justice of the assizes, four thousand marks; sir Richard de Boyland, four thousand marks; sir Thomas Seddington, two thousand marks; sir Walter Hopton, two thousand marks; the four last were justices itinerant; sir William de Saham, three thousand marks; Robert Littlebury, master of the rolls, a thousand marks; Roger Leicester, a thousand marks; Henry Bray, escheator and judge for the Jews,

a thousand

1290.  
The Jews  
banished  
England.  
T. Wikes.  
Walsing.  
Knighton.

In the beginning of the year 1290, Edward convened a parliament \*, where the Statute of Westminster, the third, was enacted, and the banishment of the Jews was absolutely resolved. The nation had long desired it, but the Jews still found means to divert the blow, by presents to the king and his ministers: they would fain have used the same method now, but could not prevail, the king being unable to protect them any longer without disobliging the parliament. Their immoveable goods were confiscated, but they had leave to carry away the rest with them. It is the general opinion that they began to settle in the kingdom in the reign of William the Conqueror; but some believe their settlement more ancient. At first their number was small, but by degrees they increased to fifteen thousand. Their money procured them several considerable privileges, confirmed by Edward himself, as a synagogue at London; a head of their religion, being a sort of high priest and judges of their own nation, to hear and determine their differences. They lost all these advantages by not curbing their insatiable greediness of enriching themselves by unlawful means, as usury, adulteration of the coin, and the like, which must render the practisers odious. As for the imputation of crucifying from time to time Christian children, it was only a calumny invented by their enemies \*.

W

a thousand marks; and Adam de Stretton, a clerk of the court, was fined no less than thirty two thousand marks of new money, besides jewels and silver plate. Chron. de Dunstable, MSS. T. Wikes. The justices of the king's bench being thus turned out, were succeeded by John de Mettingham and Elias de Bingham, clerks, and William de Gefelham and Robert de Hertford knights. T. Wikes.

\* On January 14. T. Wikes. p. 118. The writs, returns, and indentures of this parliament are extant, and of all, by most, since; except from the 17th of Edward IV. to the 1st of Edward VI. See Mr. Pryn's Brevia Parliamentaria Relativa, and Mr. Brown Willis's Notitia Parliamentaria.

\* Otherwise called (from the first words of it) *Quis emptores terrarum*, because it chiefly related to purchasers of lands held by knight's service.

\* Sir Edward Coke says they were not banished; but their usury was banished by the Statute De Judaismo, enacted in this parliament; and that was the cause

they banished themselves into foreign countries, where they might live by their usury; and because they were odious to the nation, that they might pass out of the realm in safety, they made a petition to the king that a certain day might be prefixed for them to depart the realm, that they might have the king's writ to his sheriffs for their safe-conduct. Coke's 2d Institute, p. 507. See one of these writs there. But Mr. Tyrell observes, that though this account is very probable, yet there is no good authority for it, p. 60. Many of the Jews took shipping in the river Thames, in a vessel belonging to one of the Cinque Ports, and were by the wicked master and seamen, not only plundered of all they had left, but were also cruelly thrown over-board, which when the king heard, he caused many of those inhuman mariners to be hanged. T. Wikes, p. 122.

\* See the charter whereby king John granted them one, in Sir Edward Coke's 2d Institute, p. 508.

\* See a large account of the Jews, in



We are now come to the grand affair of the reign of Edward I. I mean the conquest of Scotland, of which it is very difficult, not to say impossible, to speak in a manner satisfactory to the English and Scots. Though the two nations agree as to the facts, and the occasion of this conquest, they widely differ as to the right. If we believe the English, Edward did nothing but what was agreeable to reason and justice. The Scots, on the contrary, pretend he was led by ambition alone to take advantage of the troubles of Scotland, in order to become master of the kingdom, on frivolous pretences. Though several centuries are passed since this event, historians have not yet laid aside their national prejudices. The English still consider Edward I. as a great prince, employing his arms only in maintaining the justice of his cause. The Scots speak of him as a tyrant, vowing the destruction of their nation, and, contrary to all manner of right, intent upon satisfying his ambition in uniting all the people of Great Britain under his dominion. As I am not engaged in either party by birth or any other motive, I flatter myself with having impartially examined the affair, and producing from the Collection of Public Acts such light as may serve to give a just notion of the thing: to this end it will be necessary to descend to particulars, as it is the only possible means to dispel the prejudices which help to darken the affair.

Alexander III. king of Scotland, married Margaret, daughter of Henry III. king of England, and sister of Edward. He had by her three children, Alexander, David, and Margaret. David died an infant, and Margaret was married to Eric king of Norway, in 1281. It was agreed in the marriage-contract, that if prince Alexander died without heirs, and the king his father left no issue male, Margaret should succeed to the crown of Scotland, and her children enjoy the same right, in case she died before her father. Shortly after, Alexander losing his only son of the same name, and the queen of Norway his daughter being likewise dead after bringing into the world a daughter called Margaret, he resolved to perform the agreement: for that purpose he obliged the Scotch barons to swear, that in case he died without male heirs, they would acknowledge the young princess of Norway for their

The affairs  
of Scotland.

Account of  
the dispute  
about the  
succession to  
the crown  
of Scotland.

is in the coin-note at the end of the reign of Henry III. From the 17th of December, 50 Hen. III. till the Tuesday in Shrovetide, 2 Edw. I. which was about seven years, the crown had four hundred and twenty thousand pounds, fifteen shillings, and four pence from the Jews, 2d Institute, p. 506. This year, March 30, died John de Kirkeby bishop of Ely, treasurer of the exchequer; and was succeeded by William de Marche. T. Wikes, p. 121.

Alexander  
III. died.  
Hec. Boeth.  
T. Wikes.  
Margaret of  
Norway ac-  
knowledged  
queen of  
Scotland.  
Buchanan.  
Walsing.

queen. Alexander lived but two years after having thus settled the succession, his death, occasioned by a fall from his horse, happened in the year 1285.

When the Scots lost their king, they chose six regents to govern the kingdom, till the princess of Norway, who was but three years old, was capable of holding the reins of the government. I do not find in the histories of England, or Scotland, why the Scots were three or four years before they demanded their queen, or why Eric her father neglected to send her over. It was not till 1289, after Edward's return into England, that Eric sent ambassadors to him about it. Edward being Margaret's great-uncle, Eric thought he could not do better than ask his advice and assistance, to place the young princess on the throne of Scotland. Immediately after this embassy, Edward wrote to the regents of Scotland, strongly recommending the interests of young Margaret, and acquainting them withal, that he designed to send ambassadors to settle certain affairs relating to the welfare and tranquillity of Scotland. But the regents thought it more proper, to send plenipotentiaries into England, to adjust with the ambassadors of Norway, in the presence of Edward, whatever concerned the interests of Scotland. However, they took care to insert this clause in the credentials of their envoys, "Saving the honour and liberty of the kingdom." The bishops of St. Andrews and Glasgow, were commissioned to transact this affair.

Ast. Pub.  
ii. p. 445.

Ib. p. 446.

Though historians have neglected to explode the difficulties concerning the coming of Margaret into Scotland, they were evidently very great. This appears, as well from the time elapsed since the death of Alexander, as from the precaution taken at Salisbury, by the plenipotentiaries of Edward, Eric, and the Scots, about the reception of the princess. In the assembly it was agreed, the young queen should be sent into England, free from any marriage engagement. Edward promised on his part to take care of her education, till Scotland should be in perfect tranquillity, and in a condition to receive her. Moreover he gave his word, not to suffer her to be contracted in marriage, provided the Scots would not take any step to that end, without his and the king of Norway's consent.

Ib. p. 447.

Ibid.

Edward  
proposes the  
marriage of  
his son with

It was not without reason that Edward caused this article to be inserted in the agreement. Since the death of the king of Scotland, he had been forming the project of uniting the

Together with the lord Robert Bruce, the lord of Anandale, and John Comyn.

two kingdoms of Great Britain, by his son's marriage with Margaret. He had already demanded and obtained a dispensation from Rome, though he had not thought proper to discover so early his intention. But after taking the forementioned measures, he caused the marriage to be proposed to the regents. The proposal being examined, in a council consisting of all the great men of the kingdom, it was unanimously resolved to agree to it. But it was upon certain terms, which they were to lay before the first parliament assembled in England. There were upon this occasion several negotiations, the particulars whereof would be needless. It suffices to say, that the commissioners of the two nations meeting at Bingham, agreed upon several articles, the chief whereof, with respect to the sequel, were these:

Margaret.  
Act. Pub.  
ii. p. 450.

The regents  
consent to it.

I. The plenipotentiaries of Edward promised in his name, that he would inviolably keep the laws, liberties, and customs of the kingdom of Scotland, in all things and in all times, throughout the whole realm, with all its marches.

The terms  
of the marriage.  
Act. Pub.  
ii. p. 450.

II. That in case either Edward the son, or Margaret his future spouse should die without any children by their marriage, and in all cases or events, whereby the kingdom of Scotland should fall to the next heir, it should be restored to the people of Scotland, free, independent, and without any subjection, saving however the rights of the king of England to the crown of Scotland, in case it devolved to him, or his heirs, by a lawful succession.

III. That the kingdom of Scotland should remain separated, divided, and free in itself, without any subjection to, or dependence on, England; saving to the king of England, and his successors, his right to certain lands in the frontiers, or elsewhere, before the time of this agreement, or any right he should lawfully acquire hereafter.

IV. No person holding lands in fee of the king of Scotland, should be obliged to prosecute any suit out of the kingdom, according to the custom hitherto observed.

V. That all the subjects of the crown of Scotland, should enjoy the same privilege, according to antient custom.

VI. That all records, charters, and privileges, or other memorials concerning the royal dignity, and the kingdom of Scotland, should be deposited in a place of safety, and not carried out of the realm, under the seals of certain lords, till the queen should come into the kingdom, and have children.

VII. That there should be made no subjection, alienation, or obligation, of any thing relating to the kingdom of Scotland,

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land, till the queen should be therein person, and have children alive.

VIII. That no parliament should be held out of the kingdom.

These precautions demonstrate, how far the Scots were from believing in those days, that the kingdom of Scotland was dependant on England.

The marriage is concluded.

A.G. Pub. ii. p. 487.

A.G. Pub. ii. p. 1090. Omit.

Margaret's death. Buchanan.

These and several other articles, which I pass over in silence, being approved and ratified, the marriage was concluded and resolved, to the general satisfaction of both nations. Edward began from thenceforward to take as it were possession of Scotland for the prince his son, by sending thither the bishop of Durham, who, jointly with the six regents, was intrusted with the administration of affairs, in the name of young Edward and Margaret. It was not doubted but the two kingdoms of Great-Britain were going to be united by this marriage, when suddenly and unexpectedly all hopes of an union vanished. Edward received a letter from the bishop of St. Andrews, acquainting him with the report of queen Margaret's death; and that some Scotch lords<sup>a</sup> upon the news, began to stir in the prosecution of their pretended rights to the crown. The bishop intreated him withal, to advance towards the frontiers, to prevent by his presence the commotions, which the queen's death, if found true, would cause in the kingdom. The report spread of her death, was but too well grounded. The princess, whom her father promised to send into England before October, sailed accordingly from Norway, and died in a certain island, where she was driven by stress of weather<sup>b</sup>.

As soon as the news reached Scotland, it occasioned great commotions, which threw the kingdom into a more wretched condition than ever. The late king, who had caused the great men to swear to acknowledge Margaret of Norway for queen, neglected to settle the succession, in case that princess died without heirs. The choice of a successor was therefore very perplexing, and became more so every day, by reason of the factions formed in favour of the pretenders to the crown. Never was union among the great men more necessary. But private interest stifling the love of their country, every one proceeded according as he was engaged by family-ties, or other motives, without troubling himself, whe-

<sup>a</sup> The lord Robert de Bruce, and the earls of Mar and Athol. *Ibid.* p. 1090.

<sup>b</sup> The isle of Orkney, says M. West.

ther right was on the side to which his inclination attached him.

Among the pretenders to the crown, John Baliol and Robert Bruce divided almost all the suffrages of the kingdom. Baliol held large possessions in France, in the province of Normandy. Bruce had a considerable estate in England, and both were very powerful in Scotland, where their alliances procured them great credit. For the better understanding the grounds of their titles, it will be necessary to take a view of the genealogy of the royal family of Scotland, of which I am going to give a short explanation.

John Baliol, and Robert Bruce, pretend to the crown of Scotland.

David king of Scotland had but one son named Henry, who dying before him, left three sons, viz. Malcolm IV, who ascended the throne after his grandfather, and died without heirs: William, who succeeded his elder brother; and David who was earl of Huntingdon in England. The race of William being extinct by the death of Margaret of Norway, there was a necessity of going back to that of David earl of Huntingdon, third son of prince Henry. David died without issue male; but left three daughters, Margaret married to Alan of Galloway, Isabella wife of Robert Bruce, and Ada wife of Henry Hastings an English lord. Margaret, the eldest of the three sisters, left only two daughters, Deverguld, called by some Dornagilla, and Marjory. Deverguld, married John Baliol, by whom she had a son of the same name, one of the two candidates for the crown. Marjory, wife of John Comyn, died without issue. Isabella, second daughter of David, had by Robert Bruce, a son named Robert from his father, the other candidate. Ada, third daughter of David, left a son called John Hastings, who likewise pretended to the crown. To avoid confusion, I shall defer speaking of this third candidate, and confine myself at present to the two principal competitors, John Baliol, and Robert Bruce, who alone had properly a right to pretend to the succession.

Genealogy of the royal family of Scotland.

It must be observed, that at the time of Margaret of Norway's death, the three daughters of David earl of Huntingdon were not alive. But Deverguld, daughter of the eldest, was still living, and resigned her title to John Baliol her son, who, as descended from the eldest of David's daughters, claimed a right to be preferred before all the other candidates. On the other hand, Robert Bruce son of the younger daughter, alledged for himself, that he was one degree nearer than Baliol, since he was grandson to David, whereas his rival was but grandson to the eldest daughter of the same prince. It was objected,

Foundations of the titles of the competitors.

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objected, that Deverguld being in the same degree with him, ought to succeed, since she was daughter to the eldest, whereas he was only son to a younger daughter of David. But he replied, that where the degree is the same, the males ought to be preferred to the females; and that it was the constant law and custom of all states; for which he produced several precedents, from the histories of foreign countries. Thus stood the case, which could not be decided without displeasing one half of the kingdom.

State of affairs in Scotland according to the Scotch historians. Buchanan.

Here it is that we begin to find disagreement between the English and Scotch historians. The latter affirm, things were in such a state, that it was impossible to find in Scotland impartial judges. They add, that supposing such could have been found, it would have been very difficult to execute their sentence, by reason of the equality of credit and power in both parties. Baliol was lord of the county of Galloway, one of the most considerable of the kingdom. He was likewise supported by the Comyns, a family of great power and interest, Robert Bruce held in England, the earldom of Cleveland, and in Scotland, those of Anandale and Gariock. Moreover, by means of his son Robert, who had with his wife the earldom of Carrick, he was allied to the most powerful families of Scotland. Wherefore, continue they, to avoid a civil

Edward chosen, umpire,

war, which could not fail to be kindled, both parties agreed to refer the decision of this important affair to the king of England. It was believed, all good offices might be expected from him, as well because of the good understanding which had long subsisted between the two nations, as in return for their ready consent to the marriage of the prince his son, with their late queen. He was intreated therefore, say they, to be

Buchanan.

and summons the states of Scotland to Norham. A.G. Pub. ii. p. 528, 529.

judge of the dispute, and to assist the person he should think proper to place on the throne. They add, that Edward accepted the mediation, and came to Norham, where he summoned the states of Scotland, protesting, he assembled them not as a sovereign<sup>b</sup>, but as a friend, that desired them to meet the arbitrator chosen by themselves. But this is a fact denied by the English. They affirm, that Edward summoned the states of Scotland to Norham, not as friend and umpire, but by virtue of his right of sovereignty over Scotland. They add, the bare consideration of the situation of Norham, a town in England, plainly enough shows, that Edward exercised an act of sovereignty, in assembling the states of Scots

<sup>b</sup> Edward himself says, that to him belongs la Soverayne Seignorie du Royaume de Escoce.

## OF ENGLAND:

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land in his own kingdom. The Scots reply, this proof cannot take place, since upon this very occasion Edward granted them letters patents, which entirely destroys it. His words are these: "That he did not intend that the coming of the Scots on this side the Tweed, should be any prejudice to them, or that for the future, upon any account whatever, they should be obliged to come and treat with him on this river." So expresses a declaration, which seems to prove, that Edward pretended not to the sovereignty of Scotland, is indeed only an evidence of his policy or dissimulation; since he certainly designed then to establish the right of sovereignty. Accordingly, when it was once established, he stiled his letters patents, a pure concession, which might be, and was actually revoked. In the view this monarch had of causing his sovereignty to be acknowledged by the states of Scotland, it was by no means proper to alarm the Scots by an act of absolute authority, before the states were assembled. Such a step might have led them to take measures destructive of his designs. It was much more natural and more advantageous for him, to convene the states first, and lead them by degrees to the acknowledgment he wanted to extort from them. So probably, when he summoned the states to Norham, he made use of ambiguous and cautious expressions, proper to hide his intention. It was not his interest then to discover it, though he intended to use this same assembly to strengthen his right.

Buchanan pretends, that, immediately after the young <sup>1. 2. Pr.</sup> queen's death, Edward formed the project of becoming master <sup>fact.</sup> of Scotland. Perhaps he goes too far. It is much more likely, his first view was only to cause himself to be acknowledged for sovereign, whether he imagined it his due, or had a mind at this juncture firmly to establish his pretended right. The better to accomplish his design, continues the same historian, he persuaded eight other persons, besides Baliol and Bruce to lay claim to the crown. His intent was, according to the historian, so to perplex the affair, that the two chief candidates might see, he should not want means to render their titles dubious, in case they were not pliant to his will.

After these remarks, which are necessary for the sequel, it is time to come to the decision of the famous process. But first it is requisite to observe, that the affair contains two things, really distinct from each other, namely, the right of succession to the crown of Scotland, and the right of sovereignty, claimed by Edward. The former appears at first sight to be the most important, and the latter seems only to be an incident question arising upon the other. But we shall find it be-

came

T. II.  
p. 542.

1291.  
Edward re-  
quires the  
states of  
Scotland to  
own him for  
sovereign.  
Act. Pub.  
ii. p. 542.  
Instrumen-  
tum pub-  
licum.

The states  
make no  
answer.  
June 2.

came the main point, by its fatal consequences, and therefore it is not to be thought strange, that I should stay to explain it. It must be farther observed, that the particulars I am going to relate, are taken from a journal, or verbal process, inserted in the Collection of the Public Acts, made by Mr. John de Cadam, one of Edward's clerks or notaries. This observation should induce us to read with some caution, what appears to be much in favour of the king of England, with regard to his claim to the sovereignty of Scotland.

The states of Scotland being met at Norham, May 10, 1291, Roger le Brabazon chief justiciary of England, speaking by order, and in the name of the king his master, who was present, told them, that the king of England, considering the unsettled state of Scotland, had required the states to assemble in that place, to lay before them certain matters, tending to the preservation of the peace and tranquillity of the Kingdom: that he had no design to usurp the rights of any person, to stop the course of justice, or to infringe the liberties of the people of Scotland; but, as sovereign lord of Scotland, he was come to do justice to all: and that this might be done with the more ease, though what he claimed could not be justly disputed, he demanded; as a superabundant right; the states recognition of his superiority and direct dominion: that then he would make use of their counsels to do what justice and reason required. The states, surprized at the proposal, required time to consult with the absent bishops and barons, to the end they might return an uniform answer in an affair of such importance. Edward, in his turn, showed some surprize; that the states should require time to give in their answer. He said, he had reason to believe they were come prepared for the business, since they were not ignorant of his intention; and therefore he gave them only the rest of the day to consider of his demand. On the morrow, the states insisting upon a longer time, the king granted them three weeks, reckoning from the 10th of May. During that time, they were to prepare their objections to his pretensions; and all the acts and documents whereby they might think to invalidate his demand.

Though, according to the time appointed by the king, the next meeting was to be on the first of June, I find however in the journal, which I take for my guide, only that of the second. The bishop of Bath and Wells was spokesman for the king, and recited what had been done in the two former assemblies: adding, that the three weeks granted to the states being expired, and they had not produced or alledged any



any thing to invalidate his right, his intention was, to act by virtue of his acknowledged sovereignty over the kingdom of Scotland, and as sovereign, to do justice to the claimants.

Let us stay a moment to make one remark upon this subject. How good an opinion soever a man may have of the faithfulness of Edward, and the notary that drew up the journal, he cannot help perceiving, there is something wanting here. In the two preceding assemblies, Edward produced his pretensions, to the sovereignty of Scotland. The states, far from immediately owning this sovereignty, require time to consult together upon so nice a point. The king grants them three weeks, which being expired, in the first meeting, mentioned in the journal, the chancellor of England begins with saying, the states had produced or alledged nothing against the king's pretensions. Ought he not rather to have begun with calling upon the states for their answer, which the journal should mention, either by relating their objections or assent; or at least by declaring they had returned no answer, and then the chancellor's speech would have been to the purpose? But instead of that, he begins with declaring, that the states having nothing to say against the king's pretensions, Edward was resolved to make use of his right. This makes it suspected, either that the account of what passed that day is curtailed, or the day before there was another assembly, wherein the states had produced their proofs, but which the author of the journal did not think proper to mention. For according to the time fixed by the king, there was to be an assembly on the first of June, whereas this was not till the second. But I offer this only as a conjecture, on which I do not pretend to establish any thing. The grand difficulty lies, in that, after a three weeks consultation, it is strange, the states of Scotland should have nothing to answer or object to Edward's pretensions. It is certain, that hitherto the sovereignty of the crown of England over Scotland, had never been so generally acknowledged, that the bare notoriety should silence the states. Of this there needs no other proof than the marriage-articles before mentioned, where the Scots had taken so great care to maintain their independence. In the second place, the time they took to consult about the king's demand, plainly shows, they were not fully persuaded of their subjection to the crown of England. In short, Edward's very precaution in requiring this acknowledgment, testifies that the thing was at least doubtful. It is not customary to act in such a manner, when a man has a known and undeniable right. If it be true then, that the states returned no answer to the king's demand, it must

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must be thought, either they were over-awed, or the two principal candidates united; and caballed with the states not to oppose Edward's pretensions. Probably, they were afraid by this incident, of retarding the decision of the main affair: But to return to our journal:

Edward  
owned for  
sovereign  
by all the  
claimants.

The high-chancellor having spoken as is related in the journal, and taking his master's right for granted; addressed himself first to Robert Bruce, and demanded whether he would acknowledge the king of England for sovereign of Scotland; and receive justice from him as such. The journal adds, Robert Bruce answered expressly, that he owned the king of England for sovereign lord of the realm of Scotland; and consented to receive from him as such, the judgment he should think fit to pronounce. The same question being put to Florence earl of Holland, and the lord Hastings<sup>c</sup>, they both made the same answer. After that, Patric of Dunbar earl of March, William de Ros, Walter de Huntercumbe, William Vesey by proctor, Robert de Pynkeny, and Nicolas de Soules, appeared, and demanded to be admitted separately, to prove that the crown of Scotland was devolved to them by right of succession. The same question was put to them, as to the three first, concerning Edward's right; to which having returned the same answer, their petition was received. John Baliol being absent, his gentleman of horse<sup>d</sup> stood up, and alledging some excuse for his master's absence, demanded, in his name, that he might be heard the next day, which was granted him.

The protestation of  
Edward,  
June 3.

On the morrow, after the chancellor's recapitulation of what had passed to that time, Baliol, who was present, was asked the same question as the rest of the candidates, and made the like answer. Then the chancellor protested aloud in the king's name, "That although the king of England acted on this occasion as sovereign lord of Scotland, he did not intend thereby to depart from the hereditary right he might have to the crown of that kingdom, or to exclude himself as to the property. That he expressly reserved to himself the liberty to prosecute his right, as the rest of the candidates, when and how he pleased." As soon as the chancellor had done speaking, the king repeated word for word, the same protestation with his own mouth. Then John Comyn, lord of Badenoch, rose up, and demanded leave to prove his lawful right to the crown. His request was granted, after recognising, like the rest, the king of England's sove-

<sup>c</sup> Lord of Abergavenny.  
p. 546.

<sup>d</sup> Thomas Randolph, Rymer's Fed. tom. II.

regency. What concerned Edward being thus settled, the candidates drew up a writing, whereby they acknowledged him sovereign lord of all Scotland. The writing was signed and sealed by all, and particularly by Robert Bruce and John Balliol. As for the silence of the states on this occasion, Edward, without giving himself any farther trouble, took it for an assent, and became possessed of the sovereignty.

Authentic  
acknowledgment of  
the claimants.

This step being taken, the king proceeded farther. He represented to the competitors, it would be in vain to give sentence in favour of one of them, if it was not in his power to put it in execution. Upon this foundation, he demanded the possession of the kingdom, that he might be able to deliver it to the person that should be declared king. To this the candidates consented, and signed an instrument according to his desire; as if their bare pretensions to the crown had empowered them to dispose of the kingdom as they pleased. In the writing, they own the king of England for sovereign lord of Scotland, and as such, for judge of the process concerning the succession. They promised to hold for good and valid, the judgment he should pronounce. They agreed he should be put in possession of all the castles, and the whole kingdom, in order to restore it to him to whom it should be adjudged. They added however this condition, that he should be obliged to restore it within two months after judgment given in the same state he received it, saving to him the homage of the new king.

Edward is  
put in pos-  
session of the  
kingdom.

Act Pub.  
ii. p. 553.  
M. West.  
Walsingham.  
Knights.

Act Pub.  
p. 558.

What had been hitherto done in favour of Edward, was only the acts of private persons; but among them were Bruce and Balliol, who divided all Scotland between them, and consequently their approbation drew after it that of the whole kingdom. In those days of anarchy, the regents had no great authority, neither did they dare to do any thing displeasing to the king, or the two chief candidates, one of whom was to be their master. As to the states, after Edward perceived they were disinclined to favour his pretensions, he consulted them no more. As they were assembled out of Scotland, and in the power of the king, they were not free to take such measures as they should have desired: so the king met with little opposition from the governors of the castles, when he came to take possession of the kingdom. William de Umfraville, who had the custody of the castles of Dundee and Forfar, was the only person that made any resistance. He considered the act above-mentioned as very irregular, and could not resolve upon such a warrant to deliver up the places committed to his trust, neither by the king of England, nor by the

Act Pub.  
ii. p. 531.

candidates. It was necessary that the competitors, regents, and king himself, should bind themselves by an express act to indemnify him, in case he should one day come to be called to an account.

Whatever Edward's pretensions were, it is certain the sovereignty of the crown of England had never been acknowledged in Scotland. Therefore, the Scots in general could not but look upon the proceedings of the candidates, and the regents themselves, as a manifest prevarication. And yet, it was very difficult to act otherwise. All the great men were gained either by Edward's promises, or awed by his threats. The troops he had ordered to march to Norham, under colour of guarding the states of Scotland, did not a little help to inspire them with terror; so they were forced to do whatever he pleased. It was necessary however for the regents to give the people some satisfaction, in showing them they took care of their interests. To that end, they demanded of Edward letters patents, declaring that the judgment of the process should be given in the kingdom of Scotland. Edward considering this as a sort of approbation of his sovereignty, because the demand was so expressed as not to offend him, readily condescended to their most humble petition, and ordered the desired letters might be dispatched out of hand.

Edward's  
concession.

Examina-  
tion of the  
process con-  
cerning the  
crown.  
Act. Publ.  
ii. p. 533.  
&c.

The affair of the sovereignty being thus ended, though without the intervention of the states, the titles of the competitors for the crown were to be examined, that the king might know the ground of their respective pretensions. To that purpose, it was agreed among them, that Baliol and Comyn, as well for themselves as for all the other candidates, should nominate forty persons, and Robert Bruce, in like manner, should chuse forty others, to hear and discuss the rights of the competitors. That to these, the king should add about twenty-four more; and that these commissioners, after a mature examination, should make their report to the king.

June 5.

In the assembly of the 5th of June, nothing more was done, than giving in the names of the examiners that were chosen.

Berwick is  
appointed  
for the place  
of hearing.  
June 6.

The next day, the king ordered the examiners to appoint the time and place of meeting, for their examination. All agreed upon Berwick, a town in Scotland, situated on the Tweed. But as they could not agree upon the day, the king fixed it to the 2d of August following.

There was another assembly at Norham, where the regents of Scotland resigned their patents to the king, and the gover-

ners

nors of the castles their commissions, to be disposed of at his pleasure. Edward received, but returned them again, with the necessary alterations, to show that they governed in his name. The same day he made the bishop of Caithness chancellor of Scotland, and joined with him Walter de Hamondesham, an Englishman, one of his clerks; as an associate.

On the 12th of June, Edward issued orders to all that held any office in the kingdom of Scotland, to come and swear fealty to him, which was done that day by all that were present\*. The competitors took the same oath, after which, the assembly broke up till the day appointed for the meeting at Berwick†.

Though it was still a good while to that day, Edward came quickly after, and on the 3d of July made the following protestation: "That although he had granted, that the affair of the succession should be tried in the kingdom of Scotland, he did not intend to bind himself to the same condescension, if the like case should happen again, or on any other occasion." Probably the assembly, before whom he made this declaration, was neither full, nor authorized, since the examiners were not to meet at Berwick till the 3d of August, that is, a month after.

The day being come, the examining commissioners met at Berwick, in the presence of the king, and received the petitions of the candidates, in the following order. But because these petitions, containing the grounds of their pretensions, were founded on the genealogy of the royal family of Scotland, it is necessary to see this genealogy, though suppositions, without which it would be difficult to understand their reasons.

Florence earl of Holland, showed, he was descended from Ada, daughter of prince Henry, and sister of the kings Malcolm IV. and William.

Patric de Dunbar, earl of March, founded his claim upon his descent from Ilda, daughter of king William, and sister of Alexander II.

\* None took the oath of allegiance on June 12, except Alan bishop of Caithness, the new chancellor, and his associates. The competitors, and other persons, took it the next day, June 13. See Rymer's Fœd. tom. ii. p. 557, 558.

† In the mean time, the chief persons in the kingdom of Scotland, and the citizens and burgesses of each city

and town therein, did, during the months of June and July, swear allegiance to king Edward; and the inhabitants of Berwick in particular, on June 30; among whom are mentioned Ralph Phelype, Robert Oliver, John de Knapstone, Thomas le Barber, &c. See Rymer's Fœd. tom. ii. p. 567—572.

The regents and governors resign their commissions to Edward, who restores them.

June 11. Fealty is sworn to Edward.  
June 12.

August 3. Act. Pub. ii. p. 575.

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William de Vesey asserted, he was issue of Margaret, daughter of king William.

Robert de Pynkeny affirmed, he came from Margaret daughter of prince Henry, and sister of the kings Malcom and William.

Nicholas de Soules said, that being grandson of Alexander II. by Marjory, second daughter of that king, and the race of Margaret, eldest sister of his mother being extinct, the crown was devolved to him as next heir.

Patric Galythly founded his claim on his being grandson to king William, by Henry son of that prince. Probably Henry, father of Patric, was a bastard, since had he been legitimate, his son's title would have been indisputable.

Roger de Mandeville claimed the crown as son of Alfrica, daughter of king William.

John Hastings maintained, that the kingdom of Scotland being divisible, ought to be parted among the descendants of the three daughters of David earl of Huntingdon, the youngest of whom was his mother.

Robert de Ros called himself issue of Isabella, eldest daughter of king William, and sister of Alexander II.

John Comyn derived his claim higher, namely, from Donald formerly king of Scotland.

John Baliol set forth, that he was son of Deverguld, eldest daughter of Margaret, the eldest of the daughters of David earl of Huntingdon; and the race of king William being extinct, he was the next heir to the late queen. It must be observed, he took it for granted in his petition, that Marjory and Isabella, eldest daughters of Alexander II. died without issue, though Nicholas de Soules called himself son of the first. After that, passing over in silence Henry, Isabella, Ilda, Margaret, and Alfrica, children of king William, from whom Galythly, Ros, Dunbar, Vesey, and Mandeville, professed themselves descendants, he proceeded to the family of David, younger brother to king William. His silence leaves room to presume, either these competitors had falsely set forth their genealogies, or those from whom they derived their descent were bastards, otherwise their issue would have had more right to the crown than David's. Accordingly we shall see in the sequel, that their pretensions were not regarded at all. It may be farther observed, this favours what is said by Buchanan, that Edward engaged eight candidates, besides Baliol and Bruce, to demand the crown, on purpose to puzzle the cause. And indeed it is easy to see, that of all the above-named, Baliol excepted, there

there was not one that had the least title to the succession, supposing, as is very likely, that they were descended from bastards; and that Nicholas de Soules had not truly set forth his genealogy.

Robert Bruce alledged, that he was by one degree nearer than Baliol, since he was grandson of David, whereas his rival was only grandson of his daughter. That indeed Devereuld was in the same degree with himself, but could not claim the crown, because it was the custom to prefer the males before the females, in the same degree of consanguinity. To strengthen his title, he added, that Alexander II. declared him his heir, in case he died without issue, and offered to prove it by living witnesses. Moreover, he maintained that Alexander III. always looked upon him as his presumptive heir, and declared it to such as were familiar with him.

All these petitions being read, and the king, says the journal, willing to give the commissioners time to examine them, appointed the second of June of the ensuing year 1292, for another assembly <sup>2</sup>, where the candidates might more fully urge their respective rights.

I shall make use of this interval to examine as briefly as possible, the grounds on which Edward built his right of sovereignty over Scotland. We find them at large in a memorial drawn by that prince's order. And because this memorial is frequently alledged by the English authors, as containing the justifying proofs of the right of sovereignty enjoyed immemorially by England over Scotland, it will not be amiss to give an abstract thereof, to the end the reader may be perfectly informed concerning this matter.

### PROOFS alledged by EDWARD I. to establish the right of sovereignty of the kings of ENGLAND OVER SCOTLAND.

**I**N the year 901, Edward the Elder, king of England, subjected to his dominions the kings of the Scots, Humberians, and Welsh <sup>1</sup>, as appears in the histories of Marianus Scotus, Roger de Hoveden, and William of Malmesbury.

Æt. Pub.  
ii. p. 559.  
M. West.  
p. 440, &c.  
Walsing.  
Knighton.

In the year 921, the king of Scotland, Reginald king of the Danes, the English of Northumberland, the king of Wales

<sup>2</sup> A parliament. Ibid. p. 580.

<sup>1</sup> It is in the original *Stregerwallo-*  
*rum*, the same as are called in the Sax-  
on Annals, *Stræcedweallas*. They were  
the people that inhabited about Galway

in Scotland, and being perpetually har-  
rassed with the incursions of the Picts  
and Scots, retired into Flintshire, about  
the river Clwyd. See Camden in Flint-  
shire.

## THE HISTORY

and his subjects, chose Edward the Elder for their father and lord, and made a strict alliance with him. Marianus Scotus, Roger de Hoveden.

In the year 924, the same Edward reigned over all the inhabitants of Great-Britain, English, Scots, Cumbrians, Danes, and Britons. Marianus Scotus, Roger de Hoveden.

In the year 926, king Athelstan, son of Edward, vanquished Constantine king of Scotland, together with the king of Wenti<sup>1</sup>, and compelled them to fly. After the victory, they took an oath to him, and concluded an alliance with him at Emothe, July the 4th. Marianus Scotus, Roger de Hoveden.

We find in the Histories of William of Malmesbury, Henry of Huntington, and Ralph de Diceto, that Athelstan forced Constantine king of Scotland to quit his crown; and afterwards gave him leave to resume it, on condition he should hold it of the kings of England, saying, "It was more glorious to make kings, than to be one."

In 934, the same Athelstan vanquished Constantine, who had revolted, and ravaged Scotland as far as Dunferd. Constantine gave him his son in hostage, with great presents, and a peace was concluded between them. Marianus Scotus, Roger de Hoveden, Henry de Huntington, Ralph de Diceto.

In the year 937, Eugenius king of Cumberland and Constantine king of Scotland, met Athelstan at Dacor, and submitted to his mercy. Athelstan, commanding Constantine to cause his son to be baptized, stood godfather himself. William of Malmesbury.

In 940, Athelstan was succeeded by Edmund, who reigned four years, during which the Scots revolted not.

In 947, Edred, brother and successor of Edmund, having vanquished the Northumbrians, carried his arms into Scotland. The Scots, seized with fear, submitted without resistance, and swore the fealty that was due to him. Edred set over the Scots a king called Yric. Marianus Scotus, William of Malmesbury, Henry de Huntington.

In the year 955, Edwy was king of England after Edred, and reigned four years, without any revolt of the Scots.

In 997, Edgar king of England having summoned to his court Kenneth king of Scotland, Malcolm of Cumberland, and six other kings, made them row in his barge, which he himself steered. He said upon that occasion, as it is affirmed,

<sup>1</sup> In our printed copies of Hoveden, they are called Werterini: probably South Wales.



that his successors might now boast of being really kings of England, since they enjoyed so great a prerogative.

Another time, the same Edgar being informed, that Keneth had spoken ill of him, sent for him to his court, and walking with him into the fields, offered him the choice of two swords, to fight with him : Keneth refused it, and casting himself at Edgar's feet, begged his pardon, and obtained it. Marianus Scotus, Roger of Hoveden, William of Malmesbury, Henry of Huntington, Ralph de Diceto.

During the Reigns of Edward the Martyr, Ethelred II. and Edmund Ironside, the Scots did not revolt.

In 1017, Canute the Great, at his return from Rome, in the fifteenth year of his reign, subdued Scotland with ease, which had revolted, and king Malcolm was subject to him : Canute was king of England, Denmark, Norway, and Scotland. Marianus Scotus, William of Malmesbury, Henry of Huntington, Ralph de Diceto.

It does not appear that the Scots revolted during the reigns of Harold II. and Hardicanute.

In the reign of Edward the Confessor, Siward earl of Northumberland, vanquished Macbeth king of Scotland, and slew him ; after which, by the command of king Edward, he placed Malcolm, son of the king of Cumberland, on the throne of Scotland, Ibid.

There are likewise these words in the History of William of Malmesbury : " King Edward gave the kingdom of Scotland to Malcolm, son of the king of Cumberland, to hold it of the crown of England."

There is nothing concerning the Scots whilst Harold II. was on the throne of England.

William the Bastard, having marched into Scotland, in the sixth year of his reign, Malcolm met him at Aberneth, where he did him homage, or became his man. Chron. of St. Alban's

In the same Chronicle it is said that William returned into England, after receiving the homage of Malcolm, and some hostages.

In the third year of William Rufus, Malcolm revolting, and ravaging Northumberland, William, accompanied by Robert his brother, led his army into Scotland, and made peace with Malcolm, on condition that Malcolm should obey him, as he obeyed William his father, Marianus Scotus, Roger de Hoveden.

## THE HISTORY

Henry of Huntington says, Malcolm, seized with fear, became king William's man <sup>k</sup>.

The same king dethroned David of Scotland, and placed Edgar, son of Malcolm, in his room.

Edgar king of Scotland dying, Alexander I. his brother, succeeded him by the consent of Henry I. king of England. Henry of Huntingdon.

Stephen king of England, having demanded homage of David king of Scotland, and upon his refusing it, because he had taken an oath to Matilda, Henry his son did homage to king Stephen. Marianus Scotus, Henry of Huntington, Roger de Hoveden.

William king of Scotland, David earl of Huntington his brother, the earls and barons of Scotland, did homage to Henry II. king of England, and swore fealty <sup>l</sup> to him.

In the year 1174, William king of Scotland, ravaging England, was taken prisoner, and delivered to king Henry II. who set him at liberty, on condition he should do him homage for the kingdom of Scotland.

As the treaty between these two kings has been spoken of elsewhere, it is needless to repeat it here. It suffices to say in a word, that William, to obtain his liberty, was forced to promise to do full homage to Henry II. for the kingdom of Scotland, and performed his word. This is the best proof in favour of Edward, and accordingly he chiefly insists upon it in the memorial, entering into a long detail, which amounts to what is above related.

In the reign of Richard the Scots were not found to revolt. On the contrary, William came to Canterbury, to do homage to Richard.

<sup>k</sup> That is, did him homage, the form of which you have in the second statute 17 Edw. II. When a freeman shall do homage, he shall hold his hands together between the hands of his lord, and shall say thus on his knees, "I become your man from this day forth, for life, for member, and for worldly honour, and shall owe you my faith for the land I hold of you, saving the faith I owe to our sovereign lord the king, and to my other lords." The ecclesiastics say, instead of "I become your man," "I do you homage, and to you shall be faithful and loyal."

<sup>l</sup> Fealty, from the Latin, *Fidelitas*;

the form of it see in anno 14 Edw. I. Stat. 2. When a freeman shall do fealty, he shall hold his right hand over the book, and say, "Hear you, my lord, that I, A. B. shall be to you faithful and true, and shall owe my fealty to you, for the land that I hold of you, and truly shall do you the customs and services that I ought to do you at the terms assigned, so help me God and all the saints." He that holdeth land by this oath only, holdeth in the freest manner that any man in England under the king may hold.

Edward wisely passes over here in silence the letters patent of Richard I. whereby he relinquished the sovereignty of the kingdom of Scotland.

The same William came and did homage to king John at Lincoln, and swore fealty to him upon the cross of Hubert archbishop of Canterbury, Roger de Hoveden.

The same king John would have made war upon William, for having, without his consent, married his daughter to the earl of Boulogne. This is extant in the Chronicle of the Monastery of Bridlington. It is said also in the Chronicle of the Abbey of Kyngeswode, that William gave his two daughters in hostage to king John.

Henry III. in the thirty-fifth year of his reign, came to York, to marry his daughter to Alexander king of Scotland, and the latter did there homage to the king of England. The guardianship of the young king, and the regency of the kingdom, were conferred on Robert de Ros and John Baliol, by the advice of the great men of both kingdoms. Chron. of St. Alban's.

To strengthen all these proofs, Edward heaped together some passages extracted from divers charters and several bulls, and from a book intitled the Life of St. John of Beverly.

In a charter of Edgar king of Scotland, granted to the church of Durham, that prince acknowledges he holds the land of London, and the whole kingdom of Scotland, by the grant of William king of England, his lord.

In another charter, William king of Scotland grants to king John of England, his dear lord, the power of marrying Alexander his son, prince of Scotland, to whom he pleased. Moreover, he promises king John, that, whatever happens, he, and prince Alexander his son, will be true to Henry, son of John, as their sovereign lord.

In a brief of Gregory IX. that pope ordered the barons of Scotland to join with the king of England against their own prince, in case he should break the treaty made with Henry II.

The same pope, in another brief, commanded the archbishop of York and the bishop of Carlisle to persuade the king of Scotland to keep the treaty.

In another, directed to the king of Scotland, the same pope told him, that since he was liege-man to the king of England, and had sworn fealty to him, he ought not to attempt any thing against him.

Pope

Pope Clement, writing to Henry king of England, in behalf of the bishop of St. Andrew's, dispossessed of his see by the king of Scotland, requires him, among other things, to warn, exhort, and, if necessary, to force that prince, by the power committed unto him, to restore the bishop.

The proof taken from the Life of St. John of Beverly, the author whereof is unknown, consists of this narrative: King Athelstan carrying his arms into Scotland, meets by the way certain people, who were just cured of blindness and lameness by the intercession of St. John of Beverly: whereupon he resolves to go and perform his devotions in the church where the body of the saint lay. After saying his prayers, he left his dagger on the altar, as a pledge of what he had promised the saint, in case he succeeded in his undertaking. Then entering Scotland, St. John appears to him, and assures him of his assistance. Upon this assurance Athelstan attacks the Scots, and gains a signal victory. After that he subdued the whole kingdom of Scotland, and staid there three years. In his return to England a great rock stood in his way, and he besought God, through the mediation of St. John of Beverly, to give him some sign whereby the spectators might know the Scots were justly subdued by the English, and the conquered kingdom ought for ever to pay tribute to his successors. Then drawing his sword, he struck the rock, which yielded like butter, and made a great hole in it an ell deep. Whereupon the author adds, this is an evident sign Scotland was subjected to the English.

Edward produced some other testimonies, but without naming his authors, to show the lords of Galloway had done homage to the king of England.

In 1185, Roland lord of Galloway submitted to the king of England, fearing, as it is presumed, says the author, the power of that monarch, who was advancing with a great army to make war upon him.

Henry II. king of England, having received the homage of Alan of Galloway, and of David brother of king William, returned into his dominions.

In the twenty-second year of Henry II. Gilbert son of Fergus lord of Galloway, came with the king of Scotland into England, where he became liege-man of Henry the father, and swore fealty to him. Which done, in order to gain his good-will, he gave him a thousand marks of silver and his son Duncan in hostage.

These are the proofs used by Edward to justify his right of sovereignty over Scotland. As it passes for certain among several

several English historians, that Edward undeniably proved his right from ancient chronicles, I imagined the reader would not be displeased to be able to judge for himself, without being obliged to recur to the writers of both parties. For which reason I have retrenched none of the proofs, though some of them are far from being evident.

Certainly there is reason to think it strange that the Scots should find nothing to object to these proofs, the greatest part whereof are very weak, not to say entirely trifling. But it must be considered, they were in England over-awed by the presence of the king, and that Bruce and Baliol, who were in great credit, did all that lay in their power to prevent any incidents that might retard the decision of the main affair. However, since Edward supported his pretensions by the proofs set forth in the memorial, and the homage required of the kings of Scotland was the sole cause of the war which was afterwards kindled between the two nations, it will not be needless to throw some light upon this matter, by adding what the Scots might have alledged against the proofs, if powerful motives had not induced them to silence; and what they actually did object, in more favourable circumstances.

In the first place, they might say, it was necessary to distinguish two things, which Edward affected to confound in the memorial; namely, the superiority of the forces of the kings of England, and their frequent advantages over the Scots, from the pretended acknowledgment made by the kings of Scotland, that they held their crown of the kings of England. The latter was the main point in dispute, and yet the proofs alledged in the memorial chiefly relate to the former.

2. The business was not to prove in general, that the kings of Scotland were frequently constrained to make disadvantageous treaties, and afterwards swear to them. The acts themselves should have been produced, and shown to contain an express acknowledgment of the sovereignty of the kings of England over Scotland. It was farther necessary to prove the continuance of this acknowledgment by the homages of the kings of Scotland upon every new accession to the thrones of both kingdoms, according to the constant custom practised by vassals for many ages. But this was not done by Edward.

3. When Edgar, king of Scotland, owned in his charter to the church of Durham, that he held his kingdom of William Rufus, that acknowledgment did not import a confession

sion that the crown of Scotland depended on that of England : it was only a declaration, that by the assistance of the king of England he had mounted the throne of Scotland, seized by an usurper, as appears from the history.

4. The same charter, one of Edward's principal proofs, is affirmed to be a forgery by the Scotch writers, and opposed with such strong chronological arguments, as seem to demand our assent.

Anderfon's  
Essay, p. 86.

5. As to what passed between Henry II. and William king of Scotland ; it is very true, William did full homage for his whole kingdom : but it is no less certain, it was in consequence of a treaty, where that homage was expressly stipulated for the captive king's liberty. And therefore it is evident he was not subject to it before, since there was no need of binding him to it by a treaty. And this is what would never have been thought of, unless the war had been undertaken on account of the homage, which is not fact. Besides, this homage, which was only a consequence of William's captivity, was not continued by his successors, since Richard, son of Henry, entirely renounced it, as we have seen in the reign of that prince.

6. As for the rest of the proofs, which are much weaker, they are not only taken from English writers or subjects of England, who for the most part lived long after the events they relate, but are founded on uncertain expressions, which do not necessarily bear the sense contended for by Edward.

7. Had Edward no other proofs to alledge, but the testimonies of some partial historians ? Why did he not produce the homages of the ancient kings of Scotland, as he did that of William to Henry II ? If the point had been only to prove the homage for the earldom of Huntington, he would have no occasion to consult the historians, his own records would have supplied him with proofs. What is the reason then, that it was more difficult to preserve the homages for the kingdom of Scotland ? If the king of France could have proved his sovereignty over Guienne and the earldom of Ponthieu, only by passages taken from French authors, there is room to question whether Edward would have submitted to do him homage for these two provinces.

8. The Scots might alledge, that when Henry III. demanded the king of Scotland's assistance against the earl of Leicester, he owned in express terms, that the assistance was given him out of friendship, and not out of duty.

9. The

9. The same Henry would have had Alexander III. his son-in-law, do homage for the kingdom of Scotland ; but Alexander refused it, and would do it only for the lands he held in England.

10. Edward himself being desirous that the same Alexander III. his brother-in-law, should assist at his coronation, gave him letters patent, acknowledging that the presence of that prince was not of duty, and that he assisted at the solemnity only out of friendship, and to do him honour, without being any ways obliged thereto.

11. When the same Alexander did homage to Edward, he made an authentic declaration, that he did not mean to do homage for the kingdom of Scotland, but only for the lands he held in England, and his homage was received with that limitation.

12. The Scots might farther say, that the homage done for the lands in England by a Scottish king, had no relation to the kingdom of Scotland. In like manner the king of England, in doing homage to the kings of France, did not intend to make the kingdom of England dependant on the crown of France, but only to acknowledge the dependency of the lands they held in that kingdom.

13. Lastly, Homage was frequently paid for pensions ; for instance, the earls of Flanders did it to the kings of England upon that account, as did the earl of Savoy for a pension of two hundred marks. So, barely to show the kings of Scotland did homage to the kings of England, was no proof of the point in question. It should have been proved, that these homages were for the kingdom of Scotland, either by letters patent of the kings of Scotland themselves, or by the instruments of the homage well attested, according to the usual custom. But Edward produced no other act, but that of William's forced homage, renounced by king Richard.

As to the passages extracted from the papal bulls, they could amount to no proof, since the Scots did not deny their their kings were vassals to England for the earldom of Huntington, and other lands on the frontiers. But they denied them to be so for the kingdom of Scotland, which the bulls did not affirm.

I say nothing of the extract taken from the life of St. John of Beverly, since there is no reason to doubt that Edward seriously intended to draw a proof from so ill-attested, or rather so ridiculous a miracle, and from a history whose author is unknown.

These

## THE HISTORY

These answers are not arguments made by me for the Scots. The greatest part are the same that Boniface VIII. used in his letter to Edward, to dissuade him from any attempt upon Scotland, as will be seen hereafter. Let us return now to the decision of the affair of the succession, from whence I made this digression<sup>m</sup>.

1292.  
Sequel of the  
affair of the  
succession.  
June 12.  
A.G. Pub.  
T.ii. p. 580.

The day appointed by Edward being come, all the candidates, with the examiners, repaired to Berwick, where Edward was present. At the first meeting, the king of Norway's ambassadors appeared, and demanded the crown for the king their master, father of the late queen. Their petition being received, after a recognition of the king of England's direct dominion over Scotland, those of the other competitors were read, each in it's turn, and the commissioners began to examine them. But Edward, says the journal; considering the examination would be very tedious, and consequently prejudicial to Scotland, took another course. He moved, and his motion was approved, that the titles of John Baliol and Robert Bruce should be first examined, without prejudice of the others, which should be afterwards discussed.

Question  
proposed by  
Edward,  
and left  
undecided.

The first question which was put, was, by what laws and customs judgment was to be given? And upon this, Edward required the previous advice of the examining commissioners. It was not possible for them to agree in deciding this point. After long debates, they told the king, they could not give him their advice, without farther deliberation, and desired him to add to them the four and twenty English, according to the agreement. This expedient did not promote the decision. The English commissioners reported to the king, that the Scots were so divided in opinion, concerning their own laws, that it was very difficult to settle so disputable a point. Adding, they durst not themselves, for that reason, give him any advice upon so nice a question. These difficulties determined Edward to give a longer time, and ap-

<sup>m</sup> This year, on June 24, or according to others, the 25th, died Eleanor, king Edward's mother, in the nunnery of Ambersbury; and was buried September 8, in the church belonging to the said nunnery. Ann. Waverl. Whilst Edward was in France, in 1287, he made a vow to go to the Holy Land, and accordingly received the cross from the hands of the pope's

legate at Bourdeaux. In consequence of this, pope Nicholas IV. granted him this year, by a bull, dated at Orvieto, March 18, 1291, the tenth of England, Scotland, Wales, and Ireland, for six years. See Rymer's Fœd. T. ii. p. 509. An. Waverl. p. 240. The bishops of Winchester and Lincoln were appointed head collectors of these tenths. T. Wilkes, p. 124.



point the 14th of October following, for the day of the first assembly<sup>a</sup>.

The commissioners being met at the time appointed, Edward asked them these three questions: 1. By what laws and customs judgment was to be given? 2. How he was to proceed, in case the customs of England and Scotland should be uncertain, or opposite? 3. Whether judgment was to be given concerning the kingdom of Scotland, otherwise than concerning earldoms, baronies, and other fees of the crown of England? The delay granted by Edward, had given the examiners new light. They who could not agree upon the first question in August, were unanimous in October. To the first they made answer, that in case there were any certain laws or customs in the king's dominions, by them he ought to proceed. To the second, that if in his territories there was no certain law, he might establish a new one. To the third, that the kingdom of Scotland was to be judged in the same manner as other indivisible fees. It is easy to see, that these preliminary questions tended only, as is plain from the answers, to establish Edward's right of sovereignty, a right which he constantly supposed, without allowing it to be contradicted.

Edward, upon these decisions, ordered Bruce and Baliol to be called and asked, whether they had any thing to say, to strengthen the reasons alledged in their petitions? They replied, they desired to add something farther by word of mouth, and Bruce began first 1. That the succession of a crown ought to be settled by the natural right by which kings reign, and not by the laws common to subjects, and according to natural right, the nearest ought to succeed. 2. That for the same reason, though private inheritances were divisible, and the eldest had some privilege by the laws observed among subjects, it was not so with regard to a kingdom, to which the next heir ought to succeed without any division. 3. He maintained, that in Scotland, the crown had been adjudged to the collateral branch, preferably to the direct, and the succession in the family of the eldest, was not so established, as to be prejudicial to him, since in that very kingdom, brothers had several times been preferred to sons. 4. He took it for granted, that though he was in the same degree as Deverguld,

<sup>a</sup> Or parliament, Parlamento, as it is in the original. Rymer's Fœd. T. ii. p. 581. The king promised that he would summon some of the greatest and discreetest persons of his kingdom to be then present; and would in the mean time dispatch messengers to the most learned men abroad for their advice upon this point. Ibid.

he ought however to succeed, because he was the next male-heir.

Reasons and  
replies of  
John Baliol.

John Baliol answering in his turn, founded his right on the genealogy of the royal family, and shewed he was descended from the eldest of the daughters of David earl of Huntingdon, whereas Bruce sprung only from the second. He answered the reasons of his competitor, and maintained, that the custom, as well of England as Scotland, was, that the descendant of the eldest daughter, though more remote, was preferable to any other, coming from the younger. As to what Bruce alledged concerning natural right, and the right of kings, he answered, to decide that, belonged to the king of England, as immemorial sovereign, and direct lord of Scotland. As for the instances, produced by Robert, of brothers preferred to sons, he affirmed, it was never done in Scotland, but by way of usurpation and violence. That, when such a Thing happened, the kings of England, as sovereigns, rectified it, by placing the son on the throne. To prove his assertion, he alledged the example of Edgar, whom William Rufus put in possession of the crown, usurped by Donald. Lastly, he maintained, that, supposing what Robert advanced was incontestable, it could be no advantage to him. Indeed, it appeared from thence, that sometimes the nearer was excluded, to make room for the more remote, a brother being undeniably farther removed than a son. I should be too tedious if I recited all the arguments, answers, and replies of both sides. This will suffice, I hope, to shew the grounds of their pretensions.

Q.  
pro. . . .  
the exam-  
iners.  
A. Pub.  
T. ii. p. 586.

Decided in  
favour of  
Baliol.

The affair being thus cleared, and the reasons of the two candidates examined, the king put the question in this manner: "Whether the more remote by one degree in succession, coming from the eldest sister, ought, according to the laws and customs of both kingdoms, to exclude the nearer by a degree coming from the second sister?" The commissioners unanimously answered, That, according to the laws and customs of both kingdoms, the descendants of the eldest daughter was to be preferred. It might be justly demanded, to what purpose then was the discussion of the preliminary questions, since the laws of both kingdoms were so express in favour of the principal, if it had not been already remarked, that they were subservient to the private interests of Edward? Notwithstanding the formal decision of the commissioners, the king, willing to shew that he acted without partiality, caused the same question to be again long debated in

in his presence, and appointed the 6th of November following, to pronounce the final sentence.

On that day, Edward solemnly pronounced, that Robert Bruce's pretensions were ill-grounded, and the laws allowed him no right to the crown of Scotland. But as the exclusion of Bruce did not necessarily import the admission of Baliol, since there were other competitors, the king ordered the examiners to hear the rest of the parties. Robert Bruce finding himself excluded by the sentence, declared, he had another right which he would prosecute, and justify, in another form, his pretensions to part of the kingdom. Then he presented his petition, which was admitted. Edward gives sentence against Bruce; Nov. 6. who offers a petition.

The affair between Baliol and Bruce being ended, John Hastings stood up and maintained, that Scotland being a fee of England, had no more privileges than other fees, which were all partible. He inferred from thence, that the kingdom of Scotland ought to be divided among the descendants of the daughters of David earl of Huntington, the youngest of whom was his mother. He was immediately seconded by Robert Bruce, who appeared again, and said, he claimed a third part of the kingdom, as son and heir to David's second daughter. Whereupon Edward put these two questions: 1. Whether the kingdom of Scotland was a partible fee? 2. Or whether, not being so, the escheats and acquisitions, made by the kings of Scotland, were to follow the law of common inheritances? The unanimous advice of the king's council, and the commissioners was, that the kingdom of Scotland was an indivisible fee, and that the king's acquisitions in the kingdom itself, ceased to be partible, the moment they came into his hands. After this decision, Edward appointed the 17th of November, to pass sentence. Demand of John Hastings.

The commissioners being met on the day appointed the king ordered all the candidates to be asked, What they had to say in defence of their rights. The ambassadors of Norway, Florence earl of Holland, William de Vescy, Patric de Dunbar, William de Ros, Robert de Pynkeny, Nicholas de Soules, and Patric Galythly, declared, they did not intend any further to prosecute their claims, and withdrew their petitions. Upon this declaration the king pronounced, they had no pretension to the crown of Scotland. John Comyn, and Roger de Mandeville, not appearing to maintain their claims, they were likewise rejected. After which the king pronounced, That John Hastings, and Robert Bruce, had no right to the All the other candidates drop their pretensions. Nov. 17.

° In full parliament. Rymer's Fœd. p. 588.

third part claimed by each, because the kingdom of Scotland could not be divided.

Edward declares Baliol king of Scotland.

None remained but Baliol, who being without a competitor, since the others were rejected, was acknowledged as the only person that had a right to pretend to the crown. Accordingly, Edward adjudged, that he should be put in possession of the kingdom, saving however to himself and successors, the right of asserting their pretensions to the same kingdom, whenever they thought proper<sup>9</sup>. Then he addressed himself to the new king, and said, he ought to take care to govern his people in such a manner, that for want of justice, or any other reason whatever, he should not oblige his sovereign to make use of his right to redress the grievances. Then he appointed him the Thursday following to swear fealty, and Christmast day next, to do his homage at Newcastle.

Baliol swears fealty to Edward; Nov. 20. Act. Pub. T. ii. p. 591. M. West. Walsingh. T. Wikes.

The process being thus ended, Edward dispatched all necessary orders to put Baliol in possession of the kingdom, and the new king swore fealty to him on the 20th of November<sup>9</sup>. In the oath, he acknowledged the sovereignty of the king of England over Scotland in very express and submissive terms, and caused an authentic act of the same to be drawn up.

and does homage.

His installation was performed at Scone<sup>7</sup>, with the usual formalities, and all the Scotch lords took the oath to him except Robert Bruce, who was absent. Which done, he came to Newcastle upon Tyne, where he did homage to the king, in such expressions as it was not possible to add any thing to denote more fully his dependence<sup>8</sup>.

Complaints of the Scots against Edward.

After seeing in what manner the journal, made by Edward's order, relates what passed in this famous process, it

<sup>9</sup> "Salvo jure ejusdem Domini regis Anglie & heredom suorum cum voluerint inde loqui." Rymer's Fœd. T. ii. p. 589.

<sup>8</sup> The form of it was thus: "Ego Johannes de Balli-ol, rex Scottorum, fidus & fidelis ero vobis Domino Edwardo, Dei gratia, regi Angliæ, & superiori Domino regni Scotiæ; & vobis fidelitatem facio de eodem regno Scotiæ, quod de vobis tereo, & clamo tenere; & fidem & fidelitatem vobis portabo de vitæ & membro, & terreno honore, contra omnes homines; & fideliter recognoscam, & vobis faciam servitium, vobis debita de regno Scotiæ antedicto; sic me Deus adjuvet & hæc sancta Evangelia." Rymer's Fœd. T. ii. p. 591.

<sup>7</sup> The business of the earls of Fife

at coronations, was to place the king of Scotland upon his throne, as appears from Rymer's Fœdera, T. ii. p. 600.

<sup>6</sup> The form of the homage was thus.

"Mon seigneur, mon sire Edward, rey d'Engleterre, sovereign seigneur du reyaume de Escoce, je Johan de Baillol, rey de Escoce, devien vostre homme lige de tot le reyaume de Escoce ove les appartenances, e a quant qe'il y apent; le quel je tieng e dei de dreit, e eleim, por moi, e mes heyrz, reys de Escoce, tenir heritablement de vous e de vos heyrz, reys d'Engleterre: E fey a laute portera i vous, e a vos heyrz, reys d'Engleterre, de vie de membre, e de terrien honneur, contre tote gent qe porunt vivre e morir." Rymer's Fœd. T. ii. p. 595.

is but reasonable to hear the Scots in their turn. They pretend Edward acted very unjustly in the whole course of the affair, and that his conduct throughout was a continued series of artifice, corruption, and violence: that indeed, he had before some pretension to the sovereignty of Scotland, but it was so ill-grounded, that he would never have thought of asserting it, if the state of the kingdom had not furnished him with an opportunity: that being chosen judge, or rather umpire of the difference between the two candidates, he abused that trust to serve his own interests, at the expence of the liberty of the Scots. They agree to the facts related in the journal, but affirm, that by promises and threats, he privately engaged the commissioners blindly to follow his directions. They add, that his chief aim being to make the person who should be declared king of Scotland, vassal of the crown of England, he intimated to the two competitors, that they had nothing to hope for, unless they would first own him for sovereign of the kingdom. To engage them (say they) to this acknowledgment, he himself raised up all the other candidates, who entirely depended upon him, on purpose to breed difficulties, which might convince Bruce and Baliol, how much they needed his favour. It is not to be thought strange that the competitors should be ready to do whatever he desired. The two principal were afraid their opposition would deprive them of the crown, and the rest put in their claims only in obedience to his orders, or for his pleasure. It is further affirmed, that before the pretensions of the parties came to be examined, Edward had resolved to give the crown to Baliol, who was of an inferior genius to Bruce, and of less credit in the kingdom. Buchanan says upon this occasion, that Edward offered the crown first to Bruce, if he would promise to do him homage; and upon his refusing it on that condition, Edward turned to Baliol, who immediately accepted his offer. And to the invincible argument, which the English pretend to infer from Robert's consent and hand, to the acts and declarations made by the candidates before they presented their petitions, the Scots reply, it was not possible, but Robert might at first refuse the crown on the condition required, and afterwards perceiving how detrimental his refusal might be to him, was induced to comply. It is true, he did not much promote his cause by that means, since his refusal made a deeper impression on Edward, than his compliance could afterwards do. They add, it is impossible not to see in the journal itself, that, notwithstanding the great shew of impartiality, Edward favoured the cause

of Baliol. In the first place, the arguments of Robert Bruce are very much abridged, and may be said to be disadvantageously set forth. In the next place, immediately after Robert's exclusion, all the rest of the competitors, except Baliol, relinquished their pretensions, even to the ambassadors of Norway, who very likely had private orders to act as directed by Edward. Indeed, one cannot see, why the exclusion of Bruce should so effect the other candidates, as to oblige them to withdraw their petitions. But, it is easily perceived, they were no longer necessary to the king's designs, after the judgment against Bruce. This plainly discovers the reason, why Edward would have the examiners begin with discussing the rights of Bruce and Baliol; because, when that affair should be decided, he had no farther need of the others. The affected absence of Baliol is likewise observed on the day that the other competitors acknowledged the sovereignty of the king of England, that he might not be afterwards reproached, when he should be on the throne, for being the first to introduce that innovation, intending to create a belief that he only followed those who went before him. It is affirmed, Edward was more apprehensive of Bruce than of Baliol, and in the whole course of the process, had ever a view to his own interest. The sole end of all his proceedings, say they, was to establish a right which he could never have supported at any other juncture, and which belonged not to him. If this right had been incontestable, to what purpose did he take so many precautions to establish it? To what end so many acknowledgments and oaths, when the states of Scotland, if the journal may be credited, alledged not the least objection to his pretensions? Why such a heap of arguments, most of which are so weak, to cause a sovereignty (according to him not disputed) to be acknowledged? If the states of Scotland made no reply to Edward's first proposition, it is easy to see, it must have been from a motive of fear. Besides, it could not be inferred from their silence, that they acknowledged the sovereignty, since they had never before made the like recognition. If by their silence, they intended to give their approbation to Edward's pretensions, whence is it, that he required not from them an authentic declaration, as well as from the candidates? Were they to decide so important a question, and not rather the states then actually assembled? In short, it appeared afterwards, that the sentiments of the people in Scotland were not agreeable to the declaration of the candidates, since they embraced the first opportunity to shake off the yoke imposed upon them.

I shall

I shall add here in favour of the Scots, that the Collection of the Public Acts affords a strong proof, that the king of Scotland never did homage for the whole kingdom, if we except that of William to Henry II. We find in the collection, that Edward's high-chamberlain demanding of Baliol the fees due from the vassals when they did homage, there was no precedent to be found: so Edward was forced to fix them himself to twenty pounds sterling, which was double the sum paid by an earl on the like occasion. What likelihood is there, that the fees should not be settled before, in case this homage had been done so often as Edward pretended?

I have hitherto related in what manner the English and Scots speak of what passed in this famous process, as well concerning the crown itself, as the sovereignty claimed by Edward. But for the perfect illustration of this matter, it will not be needless to make some farther remarks. In the first place, it appears by Edward's whole conduct, that his intent at first was not to become master of Scotland, (as Buchanan charges him) but only to render that kingdom dependent on England. In this he did but follow the steps of most of his predecessors. Not to mention the Saxon and first Norman kings, Henry II. had no sooner king William in his power, but he took the advantage of that prince's misfortune, to oblige him to do homage for his kingdom. Henry III. father of Edward, would fain have extorted the same thing from Alexander III. but could not possibly succeed. It cannot therefore be inferred, from Edward's first proceedings, that he had formed the project of making himself master of Scotland; since he required only the direct dominion, without insisting on the possession, concerning which he was satisfied with making a bare declaration. If he had designed any such thing, he might easily have found plausible pretences to place English garrisons and governors at his devotion, in the places that were put into his hands. He might have alledged, that all the Scots being engaged to some one of the candidates, the custody of the castles could not be trusted to persons of their

\* In his parliament held at Westminster, 1296. Rymer's Fed. tom. ii. p. 600.

And yet one would be apt to think, such was his design, by his uniting the two kingdoms, which he did, or attempted to do, as appears by the following writ. "Quia regna Angliæ & Scotiæ, ratione superioris dominii, quod in eodem regno Scotiæ optine-

mus benedictio, antiquissimo sunt con-

" juncta, mandatum est justiciariis de  
" banco, quod brevia regis, coram eis  
" porrecta vel retornata, de data die-  
" rum, & locorum, infra idem regnum  
" Scotiæ, mentionem facientia de cæ-  
" tero admittant; exceptiones, si quas,  
" de hujusmodi datis & locis, proponi  
" contigerit coram eis nullatenus allo-  
" cantes. Teste rege apud Berewicum  
" super Twedam tertia die julii." Ibid.  
p. 533.

nation, without exposing the kingdom to the danger of a civil war. But, instead of securing by that means the possession of the kingdom, he confirmed all the governors, and contented himself with receiving their oath; a precaution which a prince of his abilities would doubtless have thought insufficient, had he formed ill designs. To this may be added, that if he had framed the project he is charged with, he would have found a fair opportunity to put it in practice, by dividing the kingdom between the descendants of David's three daughters. By that division, he would have weakened the forces of the Scots, whereas he kept them united, in adjudging the crown to a single person.

But on the other hand, it can hardly be denied, that he meant to take advantage of this favourable juncture, to establish his sovereignty over Scotland, and so to accomplish the project formed, but never fully executed, by his ancestors. It is difficult to judge, whether he himself believed he had a lawful right, or, considering the circumstances of Scotland, was willing to embrace the opportunity to establish a new one. The last seems most likely, though men but too frequently suffer themselves to be prepossessed in favour of what is for their interest. And indeed, to fetch proofs from histories compiled by Englishmen, to show that Scotland was dependent on England, was a plain confession he had no better. Certainly an homage like this ought to have been evinced by more authentic proofs. One can hardly believe, that if the kingdom of Scotland had been immemorially dependent on England, without any interruption, as he pretended to prove, there could be found in the sovereign's archives but one single homage in form, done by the kings of Scotland. Probably therefore, without being thoroughly convinced of his right, he had a mind to take the advantage of the present juncture to establish it fully, well knowing there could be no opposition, since the two leading men had so much reason to court his favour. But I question, whether the acquiescence of the Scots was sufficient to acquire him a new right. I leave this to be determined by those who are versed in these matters. However, methinks, there is no justifying this prince, who, by an ill-grounded ambition, kindled between the two nations of Great-Britain a war, which caused torrents of blood to be spilt on both sides. And if the event is of any account in affairs of this nature, the sequel of the history will shew, that though at first God favoured Edward's designs, he permitted the projects of the English to come to nothing at last. Perhaps I shall draw upon me the censure of some people, soon  
of



of the ancient sovereignty of England over Scotland, or the perfections of Edward I. They will fancy, no doubt, what I have been saying is injurious to the glory of that prince, or the grandeur of England; but I hope, they who are less prejudiced will do me more justice. It is time now to return to the history, and show the fatal effects of Edward's ambition to both kingdoms.

If the desire of reigning had caused Baliol to act contrary to the interest of Scotland, Edward's eagerness to establish his sovereignty over that kingdom, made him commit errors, destructive of his own real interests, as well as those of England. On much the same occasion pope Innocent III. took care not to let the English feel too soon the weight of his sovereignty, acquired by king John's resignation. He inured them to his yoke by degrees, for fear of alarming them too much. But Edward took a quite contrary course with the Scots. Hardly was he possessed of his so much desired sovereignty, but he made his vassals feel the whole weight of it; and this rigor produced not the effect he expected. Far from conducing to keep that nation in subjection, it served only to excite their endeavours to free themselves from it.

Before Edward left Newcastle, an opportunity offered to exercise his new right, which he failed not to embrace. A townsman of Berwick complaining to him of an injury done him, as he pretended, by some English commissioners sent into Scotland, Edward ordered the affair to be tried in England, by his judges. The council of Scotland, looking upon this as a breach of the king of England's promises, sent some of their members to represent to him, that he had engaged, that the pleas of things done in the kingdom, should not be drawn out of it. Edward thought the remonstrance very unreasonable. He replied, That the affair was of such a nature, that he could not permit it to be tried any where but in his own courts; since it belonged not to vassals to punish the misdemeanors of those that represented the person of the sovereign. If he had stopped there, the Scots might have flattered themselves, that this particular case would not be drawn into precedent: but the king's intention was otherwise. To prevent the like complaints for the future, he sent to the council of Scotland the following declaration: "That if, during the vacancy of the throne, he had made the Scots any such temporary promises, he had punctually observed them; but did not intend to be restrained by such promises, now there was a king in Scotland; and would admit and hear all complaints, and all business concerning that kingdom.

1293.  
Edward's  
haughty be-  
haviour to-  
wards the  
new king of  
Scotland.

Act. Pub.  
ii. p. 596.

Act. Pub.  
ii. p. 597.  
Edward re-  
vokes what  
he had  
granted the  
Scots.

"where and when he pleased." He repeated the declaration, some days after, in his own chamber, before Baliol, and a great number of lords of both nations: adding, "He would call the king of Scotland himself to appear in England, whenever he thought convenient." The warmth wherewith he spoke, stopped the mouth of Baliol, who, being in his power, thought it not proper to make any answer. But he did not come off so. Two days after he was forced to renounce, by letters patents for himself and successors, all the promises, concessions, and ratifications made by the king of England during the vacancy of the throne of Scotland; and to approve of whatever Edward had done during that time. In return for this renunciation, Edward gave him a writing, whereby he acknowledged, he had no other right to the kingdom of Scotland but that of homage. Moreover, he promised for himself and successors, not to claim the wardship and marriage of young nobles.

Baliol yields  
it up.  
Ibid. p. 599.

p. 601.

The first step was sufficient to convince the Scots of Edward's resolution to stretch his prerogative to the utmost: but it was not long before he gave them more substantial proofs. A merchant of Gasconne presented a petition to him setting forth, that Alexander III. late king of Scotland, was indebted to him in a certain sum, still due to him, notwithstanding all his solicitations to the new king for payment: that therefore he applied to him, as sovereign of the king of Scotland, for justice. Edward eagerly embracing this opportunity of exercising his right, summoning the king of Scotland to appear at Westminster the morrow after Ascension-day, to answer in person the complaints brought against him by the merchant. This first summons bears date the 8th of March, about two months after Edward's departure from Newcastle.

First sum-  
mons.  
Act. Pub.  
ii. p. 605.

Second  
summons.  
p. 606.

Eight days after, he sent a second summons to Baliol upon the following occasion. Whilst he was at Berwick, he had ordered the regents of Scotland to put Macduff, earl of Fife, in possession of certain lands claimed by that earl. These orders had been executed before Baliol's coronation, whilst Edward was still master of Scotland. In the first parliament held by the new king at Scone, the earl of Fife was accused of unjustly taking possession of these lands, the custody whereof belonged to the king. This was properly accusing him of an affected over-hastiness in applying to the king of England, and of not staying till there was a king on the throne of Scotland. Upon this accusation, the parliament ordered him to be imprisoned. Some time after the earl, being released, carried his complaints to Edward; and the king of Scotland was again

again summoned to appear before Edward, wherever he should be, the day after Trinity-Sunday.

The 15th of June following, the king took a fresh occasion to summon Baliol upon another account. Whilst he was at Newcastle, he had ordered Walter de Huntercombe, governor of the Isle of Man, to put Baliol in possession of the isle, which was accordingly done. Shortly after a lady named Aufrica, claiming that isle, demanded it of the king of Scotland; and her demand being rejected, she complained to Edward. Upon her complaint, Baliol was again summoned to appear in person, fifteen days after Michaelmas, in whatever place the king should then be. Moreover, Edward ordered the sheriff of Northumberland to notify the summons to the king of Scotland himself, before witness.

Third summons.  
p. 608.

Fourth summons.  
Ibid.

A few months after Baliol received another summons; the occasion was this: David king of Scotland had formerly granted to the monastery of Reading in England, a certain priory, held of the bishopric of St. Andrews. Afterwards this priory was alienated by the abbot of Reading, to the bishop of St. Andrews. The successor of the abbot, willing to recover the priory, pretended, the alienation was made against the consent of the majority of the monks, and presented a petition to the king. The bishop being informed of it appealed to the pope, and his appeal was admitted to the court of Scotland. Upon the complaints made to Edward by the abbot of Reading, about admitting the appeal, Baliol was again summoned to appear in person, fifteen days after the feast of St. Martin.

Fifth summons.  
p. 615.

A year after, Edward took occasion to treat this prince in the same haughty manner, by commanding him to appear before him to answer for himself, for denying justice to the bishop of Durham, in an affair concerning his diocese.

Sixth summons in 1294.  
p. 632.

So many different summons, upon such slight occasions, and upon the bare complaints of private persons, made the new king of Scotland perceive, he was become rather the slave than vassal of the king of England. However as he had taken no measures to throw off the yoke, he durst not but appear to answer to these several accusations. Buchanan pretends, it was by accident that Baliol happened to be present in the parliament of England, when the earl of Fife brought his complaints against him; but others affirm, it was in obedience to the summons. Be this as it will, he was accused before the parliament of imprisoning and denying justice to the earl of Fife. He would have answered by a proctor, but was not permit-

Baliol appears before the parliament of England.  
Ryley's Placita.  
p. 154. &c.  
lib. viii.

Ryley.

\* For refusing to deliver to him the towns of Berwick and Haddington.

ed, and so was obliged to stand at the bar like a private person. This was a great mortification for a crowned head; but Edward was bent upon humbling him, and making the Scots feel the whole weight of their dependence. Baliol being constrained to answer in person, alledged, as the accusation entered against him concerned the crown, he could not answer to it, without first advising with his subjects. His excuse not being allowed, the parliament ordered, that three of his principal castles should be seized into the king's hands, till he gave full satisfaction. The English authors affirm, that before the sentence was pronounced, Baliol presented a petition, acknowledging the sovereignty of the king of England over Scotland, and praying Edward to give him time to consult his parliament. As soon as he had stooped so low as to petition, his demand was granted, and a certain day<sup>2</sup> was assigned him to appear. He withdrew, incensed to the last degree at the affront he had received, and bent upon trying all means to free himself from so intolerable a yoke.

Ryley.

Ryley.

1295.  
Baliol  
takes an  
alliance  
with France.  
A& Pub.  
ii. p. 680,  
695—698.

M. West.  
A& Pub.  
ii. p. 697.

A& Pub.  
ii. p. 692.

The war which broke out at the same time between France and England, put Baliol in hopes of a favourable juncture to free himself from the subjection he was under: and indeed it was likely he would have leisure to take all necessary measures to compass his ends, whilst Edward was employed in that war. A private quarrel between some English and French mariners, was the occasion of the rupture. At the same time, it gave the king of France a pretence to summon Edward before the court of peers, and an opportunity to seize Guienne by a stratagem, the particulars whereof will be seen hereafter. Before the war was proclaimed, Edward endeavoured by way of negociation to recover that duchy from the king of France<sup>7</sup>. But Philip, who was not ignorant of the king of Scotland's designs, prolonged matters till that prince declared his intentions. During the negociation, Baliol sent ambassadors to France, on pretence of renewing the ancient alliance between the two nations; but his real design was to enter into a strict union with Philip, by the marriage of his son Edward with a daughter of the earl of Valois, brother to that monarch. How privately soever the negociation was carried on, Edward had intelligence that some plot was contriving against him at Paris. To prevent the king of Scotland's designs, he demand-

<sup>2</sup> At the Parliament that was to be holden after Easter. Ryley's Placit. p. 159, 160.

<sup>7</sup> November 29, king Edward called a parliament at Westminster (accesit

clero, magnatibus, & populo) wherein the laity granted him the eleventh part of their goods, the clergy the tenth, and the merchants the seventh. Pat. 22. Edw. I. m. 2.

ed of him the castles of Berwick, Jedburgh, and Roxborough<sup>a</sup>, promising to restore them as soon as matters were adjusted with France. But without rejecting entirely this demand, Baliol found means to gain time<sup>a</sup>, whilst he continued to take measures to throw off the yoke of the English. When his ambassadors had concluded the league with France, he thought it time to declare. He was strongly solicited to it by Philip, who, knowing Edward was preparing for war, was desirous to raise him troubles at home, that might hinder him from thinking on means to recover Guienne. Baliol had been long in suspense, on account of his oath to the king of England: but to remove that scruple, Philip procured him the pope's dispensation. So finding himself secure from the church's censures, which were then very formidable, and having no further uneasiness on account of his oath, he thought nothing should any longer retard him. Edward surprised at this resolution, which quickly came to his knowledge, formed the design of relinquishing his affairs in France, and employing his preparations against Scotland. He considered that Baliol's revolt gave him a plausible pretence to make himself master of that kingdom, the conquest whereof would be of much greater importance than Guienne. Instead therefore of embarking his army for France, as he had intended, he marched directly for Scotland. Mean time, Baliol, who depended upon the assistance of France, sent to the king of England the superior of the Cordeliers of Roxborough, to deliver a letter into his own hand. In the letter he complained of the frequent injuries received from him, of the many summons upon very slight occasions, and upon the bare petitions of private persons; and in conclusion, declared, he would be no longer his vassal<sup>b</sup>. The letter served only to exasperate Edward still more, who, continuing his march towards Scotland, and hearing his affairs in France in a very ill situation, resolved to make a conquest of that kingdom, as the English historians confess. Here may be fixed the beginning of the long war, that bred in the hearts of the English and Scots a mutual enmity, which time has not yet been able to extinguish.

The pope  
dispenses  
with Baliol's  
oath;  
Chr. Abing.  
Knighton.

who de-  
clares  
against Ed-  
ward.  
Act. Pub.  
tom. ii.  
p. 706.  
Knighton.  
Walsing.  
M. West.  
Walsing.

<sup>a</sup> M. West. and Walsingham say, it was the castles of Berwick, Edinburgh, and Roxborough. M. West, p. 427. Walsing. p. 64. But in Rymer's Fœd. it is Gedworth (the same as Jedburgh) instead of Edinburgh; which shews of what great use that collection is, in rectifying the mistakes of historians. See p. 692.

<sup>a</sup> They were actually delivered. See Rymer's Fœd. tom. ii. p. 692.

<sup>b</sup> He not only renounced, in the beginning of April, the homage and fealty he had taken to king Edward, but also defied him. See Knighton, p. 2477. Walsing. Rymer's Fœd. tom. ii. p. 707.

1296.

Edward at  
tacks Scot-  
land.  
Buchanan.

Edward was advanced as far as Newcastle, with intent to besiege Berwick, which was the key of the two kingdoms, and for that reason of all places most liable to the sieges and surprizes of both nations. For that purpose he had sent a fleet, with strict orders to prevent any thing approaching the town he intended to besiege. But the fleet was surprized by the Scots, who burnt and sunk eighteen ships. At the same time they gained another advantage over some English troops, who being advanced to seize a certain post, were cut in pieces with the loss of above a thousand men. These successes, which encouraged the king of Scotland, served only to excite Edward to a revenge, and oblige him to exert his utmost to subdue a people who appeared so resolute to shake off his yoke. There were in Scotland two factions, one for Baliol and the other for Bruce. Edward, well knowing Bruce had submitted only by force to the judgment pronounced in favour of Baliol, believed it might be of great service to him could he persuade Bruce to join with him: to that end he offered him the crown, provided he declared against Baliol. Bruce accepted the offer with joy, and strengthened Edward's party with a great number of friends, who had only out of fear taken the oath to Baliol.

He gains  
Bruce to his  
side.  
Ibid.

He besieges  
Berwick,  
Ibid.  
M. Westm.  
Walling.

and takes it  
by stratagem

After taking these measures, Edward entered Scotland, and laid siege to Berwick. As that place was very strong and well garrisoned, he was apprehensive of meeting a resistance which would give Baliol time to prepare, and the Scots in general an opportunity of uniting together to free themselves from a danger that equally threatened them all: so nothing could be more to his advantage, than to become master of Berwick, in order to advance into the heart of the kingdom, and break the measures of the Scots. This made him resolve to use stratagem to compass his designs in less time. To that end, after assaulting the town several days, he suddenly raised the siege: at the same time, by means of some soldiers, who, pretending to desert, threw themselves into the town, he caused a rumour to be spread, that the king of Scotland's approach to their relief obliged him to retire. The rumour was quickly followed by the false news of Baliol's being but a league off, ready to enter the town. Upon this false intelligence, the soldiers and townsmen sallied out to meet him, imagining Edward was now at a distance. The headless multitude falling into an ambush, and endeavouring to retreat with precipitation, were so briskly pursued that the English entered into the town, and made a great slaughter.

It

It is said above seven thousand<sup>c</sup> Scots perished on this occasion<sup>d</sup>.

Edward being thus master of Berwick, marched to Dunbar, with design to besiege it. He was scarce arrived before the town, when he heard of Baliol's approach, at the head of a numerous army. Though he did not expect the Scots could be ready so soon, he gladly received the news in hopes of obtaining a victory that would render him master of the whole kingdom. Baliol advanced with equal ardor, bent upon deciding by a battle, whether he should be free or a slave. The two armies engaging, fought a good while with great bravery, though not with the same fortune. The Scots were at length forced to give way, after losing the best part of their troops: their loss is said to amount to above twenty thousand men; a loss so great and astonishing, that they were not able for a long time to oppose the progress of the conquerors. After this great victory, Edward immediately returned to Dunbar, whose gates were opened to him. Then, without giving his enemies time to breathe, he marched to Roxburgh, of which he became master with the same ease. Presently after he approached Edinburgh, the castle whereof was surrendered in eight days. From thence he went and seized Sterling, Perth, and all the considerable places in general. In a word, before the end of the campaign he was so much master of all Scotland, that Baliol and the whole nation had no other remedy but to submit to his mercy: and upon that condition he granted them peace. The king of Scotland came to him at Kincardin, and appearing before him with a white rod in his hand, resigned his kingdom to him, to be disposed of according to his pleasure. The resignation was drawn up in form, and signed by Baliol, with the greatest part of the barons of Scotland, and sealed with the great seal of the kingdom.

Baliol vanquished.  
Buchanan.  
M. Westm.  
Walsing.

Edward's great progress.  
Buchanan.  
M. Westm.  
Knighton.  
Walsing.

Baliol resigns his kingdom.  
A.C. Publ.  
tom. i.  
p. 718.  
July 2.

To confirm this new acquisition, Edward ordered the states of Scotland to assemble at Berwick, where all the nobility and officers of the kingdom swore fealty to him; and delivered up all the castles and places they were still in possession of. Among the Scotch nobles, William Douglas was the only person that could never resolve to swear to a prince, who had no right to Scotland but what force gave him. This

The Scots swear to Edward.  
Knighton.  
Walsing.  
Douglas alone refuses.  
Major.

<sup>c</sup> M. Westm. says sixty thousand: this town was taken March 30. p. 427.

<sup>d</sup> Whilst Edward was employed in fortifying Berwick, some Scots made

an excursion into Cumberland, and burnt the towns of Corbridge and Hechlesham, and went and laid siege to Carlisle. Walsing. p. 65.

Baliol is  
sent into  
England.  
Buchanan.  
M. Westm.  
Walsing.

Edward  
takes away  
the crown  
and sceptre  
of Scotland.  
and the fa-  
mous ston  
of Scone.  
Walsing.  
M. Westm.  
P. 428, 430.  
Knighton.  
Buchanan.

refusal drew on him the indignation of Edward, who com-  
manding him to be conducted to England, kept him in clof-  
confinement, where he ended his days, nor could his mis-  
fortunes ever bring him to acknowledge Edward for sovereign.  
Baliol was likewise sent into England, and confined at first  
in the Tower of London, but was afterwards removed to Ox-  
ford, where he founded the college which bears his name \*.  
Other Scotch lords, whom Edward thought it necessary to se-  
cure, were shut up in several prisons in England; and if he  
left some their liberty, it was on condition they should keep  
in the southern parts, without ever passing the Trent on pain of  
death. He might easily have been crowned king of Scotland,  
but it was not his intention that the two kingdoms should re-  
main any longer divided: he had a mind to unite Scotland to  
England, as he had done Wales, and to make but one king-  
dom of the whole island of Britain. This evidently appeared  
from his removing into England the crown and sceptre of  
Scotland, with all the rest of the regalia, and in general every  
thing that shewed the least sign of the liberty hitherto enjoyed  
by the Scots. But it was not so easy to blot out of their minds  
the remembrance of their precious liberty. He did not for-  
get to cause the famous stone, on which the inauguration of  
their kings was performed, to be conveyed from Scone. The  
people of Scotland had all along placed in that stone a kind  
of fatality: they fancied that whilst it remained in the coun-  
try, their state would be unshaken; but the moment it should  
be removed, great revolutions would follow. For this reason  
Edward carried it away, to create in the Scots a belief, that  
the time of the dissolution of their monarchy was come, and to  
lessen the hopes of recovering their liberty †. But how much  
soever

\* This is a mistake; for Baliol col-  
lege was founded in the reign of Hen-  
ry III. by John Balliol of Bernard-  
castle, the father of John Baliol the  
king. He only laid the design of it,  
and settled yearly exhibitions upon some  
scholars, and at his death, in 1269, he  
recommended this pious project to De-  
verguld his wife. She settled the ex-  
hibitioners in a teneament, which she  
hired in Horningers-street, now Can-  
ditch, in 1282. Afterwards, in 1284,  
she purchased Mary's hall, near the  
same place, and settled the society there  
by her charter, confirmed by her son  
John Balliol the king, and by Oliver bi-

shop of Lincoln. Camd. in Oxford-  
shire.

† Keneth II. king of the Scots, hav-  
ing made a general slaughter of the  
Picts, near the monastery of Scone,  
placed a stone there, which vulgar tra-  
dition reported to be the same as served  
Jacob for a pillow, and inclosed it in a  
wooden chair, for the inauguration of  
the kings. It had been brought out of  
Spain into Ireland by Simon Breccus,  
afterwards out of Ireland into Argyle,  
and king Edward caused it to be con-  
veyed to Westminster. On it was en-  
graven this distich:



soever they were attached to this fatal stone, they suffered a greater loss at that time: the burning of their records <sup>2</sup>, by Edward's order, was to them and their posterity an irretrievable loss. Besides these precautions, Edward took care to secure his conquest by placing English garrisons and governors in all the castles, and leaving John Warren earl of Surrey and Suffex <sup>3</sup> to command in Scotland, returned in triumph to England.

After seeing the first war with Scotland ended by the conquest of the kingdom, it is time to consider what was passing in France, where Edward's affairs were upon a very different foot. But first it will be necessary to relate the occasion of the rupture between France and England. Since the treaty between St. Lewis and Henry III. the two nations had lived in a good understanding, when a quarrel between two persons of little consideration gave occasion to the two monarchs to take up arms, A Norman pilot and an English mariner quarrelling in a port of Guienne, where they were landed, the pilot chanced to be killed. Whether the magistrates of the port neglected to bring the murderer to justice, or he was not in their power, the Normans seeing the murder of their countryman was left unpunished, resolved to be revenged: to that end, surprizing an English vessel, they hung up the pilot at the yard-arm. These reprisals occasioned others on both sides, so that the English <sup>4</sup> and Normans made fierce war upon each other wherever they met, even to the plundering one another's ships when it was in their power. For some time it was only a private war, in which the two kings were not concerned: but some English ships happening to meet a Norman fleet laden with wine, carried them to England. The owners complaining to the king of France, he demanded restitution of the ships and goods, and immediate satisfaction for the outrage. Edward not returning a speedy answer, Philip the Fair, who was of a very haughty temper, summoned him to appear in person before the court of peers, to answer to the complaints brought against him. The sum-

He burns  
the records  
of Scotland.  
Hec. Boeth.  
Buchanan.

Edward's  
affairs with  
France.

A. A. Pub.  
tom. ii.  
p. 607.  
Walsing.  
M. Westm.

A. A. Pub.  
tom. ii.  
p. 617.

Ni fallat fatum, Scoti quocunque locatum  
Invenient lapidem, regnare tenentur ibidem.

Or fate's deceiv'd, and heav'n's decrees in vain,  
Or where they find this stone, the Scots shall reign.

Cymb.

<sup>2</sup> This Mr. Tyrrel thinks only a calumny, invented by Hector Boethius. See Hist. p. 97.

<sup>3</sup> Rapin by mistake calls him William: at the same time Hugh de Cressingham was made treasurer, and Wil-

liam de Ormesby justiciary of Scotland. Rymers's Fœdera, tom. ii. p. 726, &c.

<sup>4</sup> Chiefly the Cinque Ports; as also ships from Portsmouth, Ireland, &c. T. Wikes.

mons was issued in 1294, about the time that Edward cited the king of Scotland upon very slight occasions, as hath been related. The French historians say, Edward not appearing, and only sending his brother Edmund in his stead, Philip, not satisfied therewith, sent the constable de Neffe into Guienne, where he seized Bourdeaux, with all the rest of the province. Certainly it must be surprizing, that such a conquest should cost France so little. Was it possible for that general to become master of Guienne without forming a siege or fighting a battle, as if it had been an open country, destitute of castles and troops for a defence? This makes me believe, either the French historians were ignorant of what passed on that occasion, or did not think proper to mention it. But what does not appear in their histories, is fully explained in the Collection of the Public Acts: and therefore I hope the reader will not be displeased to see the particulars <sup>k</sup>.

Philip acts fraudulently with Edward.  
A&S. Publ. tom. ii.  
p. 620.

Walsing.

Edward being summoned to appear before the peers of France, did not think proper to appear in person: he sent prince Edmund his brother to Paris, to answer for him, with orders to avoid as much as possible engaging him in a war with France. This prince was fully empowered to give the king of France all the satisfaction he could reasonably desire <sup>l</sup>. Edmund found the French monarch extremely incensed and full of threats. After several instances to enter into treaty, his negociation seeming to him entirely fruitless, he resolved to return. Just as he was ready to depart, the two queens, Mary of Brabant, widow of Philip the Hardy, and Joanna of Navarre, wife of the present king, entreated him to renew the negociation with them. The great desire they expressed of procuring a firm peace between the two kings, and Edmund's instructions from the king his brother, easily induced him to consent to the proposal. The two queens represented to him, that Philip was extremely offended at the affronts received from Edward's subjects, and particularly from certain persons of Guienne, against whom he was incensed to the last degree: that therefore it was impossible to come to a good agreement, unless a reasonable satisfaction was given him. They added, as the king's ho-

<sup>k</sup> The beginning of the year 1295, two cardinals came into England, to try to make peace between the kings of England and France; but nothing could be brought to a conclusion. Mat. Westm. p. 424. See Rymer's Fœdera. com. ii. p. 669.

<sup>l</sup> M. Westm. says he had orders privately to propose a marriage, and to offer to deliver part of Gascoigne, and some castles, in the hands of king Philip, for the space of forty days, if the treaty of marriage took effect. p. 421.

nour was concerned in the affair, there was no other way to appease him, but by Edward's making him a public reparation, to show the world that he disclaimed what was done by his subjects. To that end they proposed that Xaintes, Talmont, Turenne, Puymirol, Penne, and Monflauguin, with the persons complained of, should be delivered to Philip. But as this satisfaction seemed unreasonable, they intimated to Edmund, that it was only for form sake, and that Philip would engage to restore the towns and persons, upon their own request. Moreover they promised that as soon as the king's honour was safe by this reparation, he should revoke the summons, and give Edward a safe conduct to come to him at Amiens, where he would receive his homage. Edmund consented to all these proposals, provided the two queens would sign them in writing, and promise with an oath that the particulars agreed upon should be punctually performed. The treaty, which was signed by the two queens, and, for the the king of France's honour, was to be kept secret, was sent to Edward who seemed very well satisfied. He was chiefly intent upon what concerned Scotland, and in all likelihood his many summons to Baliol on trifling pretences, were intended only to cause him to rebel, in order to have occasion to punish him. Besides, whilst the affair was negotiating at Paris, he made himself master of Scotland: so as a war with France at such a juncture could not but greatly embarrass him, he was very glad to give Philip a seeming reparation, which in the main was no prejudice to him. Finding therefore the French king was contented with an appearance of reparation, he resolved to give it him more fully than was even desired, in order to be more secure of a peace with France, so necessary for him. To that end he gave Edmund power to deliver to the king of France all Guienne, with its metropolis, and sent positive orders to the seneschal to obey the prince's command, without any exception. Edmund acquainting the king of France with the orders he had received, declared he was ready to execute them, but on condition that, in the presence of creditable witnesses, the king would promise with his own mouth to perform the articles signed by the two queens. Philip was very willing to give him that satisfaction; and going into a certain room, attended by the duke of Burgundy, gave his royal word before the duke, the two queens, Blanch of Navarre wife of Edmund, and the English ambassadors, to perform the treaty: at the same time he revoked with his own mouth Edward's summons, and ordered the revocation to be

Ad Publ.  
tom. ii.  
p. 619.

Guienne is delivered to the king of France.  
Ib. p. 620.

published in open hall by the bishop of Orleans. Edmund thinking himself secure on that side, ordered the seneschal of Guienne<sup>m</sup> to deliver the dukedom to the person that should be empowered by the king of France. Ralph de Nefse, constable of France, was commissioned to take possession of Guienne in Philip's name. The seneschal would have proceeded with caution, and not delivered up the province, but on the terms of the treaty, of which Edmund had informed him: but the constable refused to be tied to any conditions, alledging he knew nothing of the treaties between the two kings, and was ordered only to take possession of Guienne in his master's name. Then he demanded the persons agreed upon, and sent them to Paris.

Philip refuses to execute the treaty.

All the articles being more than performed on the part of England, Edmund demanded the restitution of Guienne and the person stipulated in the secret treaty. To which it was answered, that his demand should be examined in the king's council. At the same time Philip sent him word, not to be surprized if he gave him a harsh answer before the council, on account of some members who were not in the secret, but as soon as they should be gone, he would give him entire satisfaction. Edmund relying upon his word, appeared before the council, where Philip was present, and demanded the restitution of Guienne, to which that monarch roughly replied, he would not restore it. This answer not surprizing the prince, who expected it, he withdrew into the next room, waiting for the performance of the king's promise, and was left there some time without any other answer: at length the bishops of Orleans and Tournay came and told him, it was in vain to wait any longer, for the king would not be solicited any more upon that affair. Some days after, Philip came to the parliament, without acquainting Edmund, and ordered the king of England to be publicly cited to appear and answer to the articles exhibited in the summons. Edmund not being then in the palace, Hugh de Vere and John de Lacy, Edward's ambassadors, entered and said, they could not have imagined this affair would be decided by way of justice, but according to the treaty, especially as the summons had been revoked. This excuse not being admitted, they were dismissed; and though they desired only till the next day to consult with the king's brother, they could not ob-

Ast. Publ.  
tom. ii.  
p. 634.

M. West,  
p. 431.

<sup>m</sup> Sir John de Havering; as also Sir John de St. John, deputy governor of Guicane. The order bears date February 3, at Paris, in 1293. Rymer's Fed. tom. ii. p. 619.

tain that delay. So the court decreed the confiscation of *M. West* Guienne to the king of France.

This is the substance of a memorial in the Collection of *p. 620, &c.* the Public Acts, where prince Edmund himself gives an account of the affair, and the manner in which it was transacted, from the beginning of his negociation. It may indeed be objected, that it comes from one of the parties, and consequently his testimony is not to be credited: but, besides the plainness of the memorial, the conquest of Guienne, without sieges and battles, makes the relation very probable. Moreover, we find in the Collection, several of Edward's *Act. Pub. ii. p. 647, 649, 651, 642, 647, &c.* letters, complaining of being deceived by the king of France, There is one, among the rest, directed to the prelates and barons of Guienne, wherein he excuses himself from making a treaty with France, without their advice; and tells them, he is deceived as much, or more, than themselves. This is further evident from the disclaiming of the homage he had done to Philip, in the following words:

"Our ambassadors shall say to the king of France these words: *Recantation of the homage done by Edward to Philip. Ib. p. 630*

"Sire, Our lord the king of England, lord of Ireland, and duke of Aquitain, did you homage conditionally; namely, according to the form of the peace made between your ancestors and his, which you have not kept. Moreover, that all differences between your subjects and his might be ended, a secret treaty was made between you and my lord Edmund his brother, as you may remember, containing certain articles which you have not performed, though he has done more than was promised on his part. After that, he required you twice by his said brother, and a third time by the peers of France, and other great men of the kingdom, to restore him his land of Guienne, and to deliver those of his subjects whom you detain in prison, which you have refused. And therefore it seems to him, that you no longer count him your vassal; and accordingly he refuses to be so for the future."

How great soever Edward's vexation might be, to see himself thus imposed on by Philip, he chose rather to leave Gul-

<sup>a</sup> I said above, that the French historians explain not the manner how Philip the Fair made himself master of Guienne, because I had not then seen father Daniel's history, which relates some part of what

is contained in prince Edmund's memorial, though in a very abridged manner, with remarkable differences, and without exactly observing the order of time, in quoting Walsing. in Edw. side. Rapin.

War of  
Guienne of  
little im-  
portance.  
Ib. p. 641.  
M. West.  
p. 416.  
A.C. Pub.  
ii. p. 654,  
693.  
Walsing.

Knighton.  
M. West.

Edward  
gains the  
earl of Flan-  
ders to his  
side.

enne in the hands of that prince, than relinquish the war with Scotland, which to him seemed of greater importance. Besides, he was sensible, before he engaged in a war with France, it would be necessary to prevent the diversion the Scots might make on the frontiers of the north. For this reason he was contented with sending his brother Edmund to Guienne, with a few troops<sup>o</sup>, his sole aim being to keep Philip employed in those parts, for fear of his assisting the Scots. Edward not intending a vigorous prosecution of the war in Guienne, where he had only Bayonne, and some neighbouring places, it may well be thought what passed there cannot be very considerable: and yet the French boast of gaining two battles, one under the earl of Valois, and the other under the ear of Artois. But these actions could not be very important, considering the small number of Edmund's forces. The truth is, France was obliged to keep there a considerable army, because she had to oppose not only the English, but the revolts of the natives, who were extremely displeased with having a new master. The superiority of the earl of Valois's forces, obliged Edmund to shut himself up in Bayonne, where he died in 1269<sup>p</sup>. Lacy earl of Lincoln, who took the command of the English troops, besieging Daes, was forced to make a hasty retreat upon the approach of the earl of Artois, who was advancing to raise the siege. Perhaps he received on this occasion some little loss, which the French call a battle<sup>q</sup>. However, I do not think it necessary to dwell any longer on the war of Guienne, since it produced no remarkable event<sup>r</sup>.

It was not in Gasconne that Edward intended to exert his utmost against France. He perceived it very difficult to recover a province so remote from England, and where he had no other place but Bayonne. His design was to attack Philip in Flanders, where the situation of affairs seemed to promise him better success. The earl of Flanders's circumstances obliged him to seek for protection against France; and he could find none so near or so ready as that of the king of

<sup>o</sup> he sailed with three hundred and twenty-five ships from Plymouth, Jan. 25, and Henry de Lacy, earl of Lincoln, along with him. Rymer's Fœd. tom. ii. p. 688, 699. Walsing.

<sup>p</sup> He very probably died in June, and lies buried in Westminster-Abbey. See Rymer's Fœd. tom. ii. p. 719. As does also William de Valence earl of Pembroke, who died this year, June 13, M. West.

<sup>q</sup> In one skirmish John de St. John, governor of Guienne, was taken prisoner. M. West. Walsing.

<sup>r</sup> Father Daniel will have it, that this was a very sharp war, and that the English were very strong in Guienne. The English historians speak of it in a very different manner, and with greater probability, for the reasons above-mentioned. Rapin.

England who burned with desire to be revenged. The occasion of the earl's difference with Philip was this.

In the year 1284, Guy (so the earl was called) quarrelled with the Gantoi's on account of the government of their city, which they pretended he had nothing to do with. In the reign of Philip the Hardy, this affair was brought before the parliament of Paris, who passed sentence in favour of the earl, and fined the magistrates. Guy took this occasion to be as troublesome as possible to the inhabitants of that large city, which they highly resented. When Philip the Fair ascended the throne, things had another face. Philip perceiving the quarrel between the earl of Flanders and the Gantoi's offered him a favourable opportunity to make an advantage of their discord, was unwilling to neglect it. Wherefore, he privately sent word to the magistrates of Ghent, that if they would renew their process against the earl, he was ready to do them justice. This was sufficient to engage the city to revive the quarrel. The affair being once brought before the parliament of Paris, the authority of the thirty-nine magistrates or governors, abolished by the former decree, was re-established in Ghent. The earl was extremely offended, that Philip should restore to the city a power which to him was so odious. He durst not however shew his resentment; but resolved to take measures to strengthen himself against him, regarding him as an enemy, whose designs he ought to prevent. Some time after, by means of Robert de Bethun his son, he persuaded the cities of Flanders to fortify certain places, contrary to the tenor of the treaties with France; assuring them, they would meet with no opposition from him. Guy's aim was to set the cities at variance with France, lest Philip should excite them against him. Philip was informed of the earl's proceedings; but, as he was then otherwise employed, he did not think proper to discover his resentments, either against the cities which had violated the treaties, or against their adviser. Mean while his very silence made the earl sensible, he was to expect an attack some other time. Things continued thus for some years. Philip dissembled his anger, and Guy continually thought of means to prevent its effects.

During these transactions, the rupture between France and England broke out. Though Edward used all possible means to avoid a war, by the negotiation at Paris, he believed that what ever happened, he ought to secure the assistance of the earl of Flanders, whose discontent was no secret to him. To that end, he demanded his eldest daughter in marriage for prince Edward his son, judging it an infallible means to bind

M. West.  
Walsing.  
Act Pub.  
ii. p. 741.  
&c.

him strongly to his interest. The negotiation, though secret, came to Philip's knowledge, and gave him great uneasiness: but he concealed it, lest by showing it he should deprive himself of the means to prevent an alliance so prejudicial to France.

*Ibid.* p. 742. To compass his ends, he pretended ignorance; and upon some pretence drawing Guy and his countess to Paris, kept them prisoners. It was a sort of favour that he gave them their liberty, on condition they delivered their daughter in hostage, and promised to break their alliance with Edward on pain of excommunication. Guy was no sooner in his dominions, but he tried all methods to recover his daughter from Philip: but it was not possible to succeed. Philip was too apprehensive of the earl's union with England, voluntarily to let go the pledge he had in his power.

1297.  
Edward  
forms a  
league  
against  
France.

M. West.

A. B. Pub.  
tom. ii.  
p. 650, &c.  
761, &c.

Mezerai.  
Char. Belg.

Edward  
checks the  
price of the  
clergy.  
Walsing.  
M. West.  
T. Wikes.

Whilst these things passed, the affairs of Scotland, which wholly employed Edward, afforded him neither leisure nor opportunity to think of his projected war against Philip. But as soon as matters were as he wished, he turned all his thoughts to revenge. Philip's fraudulent proceeding, being an injury not to be easily forgot, he had put a great restraint on himself, in delaying thus long to make him repent of it. However, as he was going to deal with a potent adversary, it was necessary to have a powerful army, which England alone was not able to supply. Wherefore he sought means to form beyond sea a strong league against France, and though it seemed very difficult, failed not to accomplish it. Besides the earl of Flanders whom he gained without trouble, Adolphus of Nassau, newly elected emperor, Albert duke of Austria, the archbishop of Cologne, and several other princes of Germany, the duke of Brabant, the earls of Holland, Juliers, and Luxemburg were engaged in the league, by the great sums Edward was to furnish them with\*. All these princes, proud of their numbers and strength, sent cartels of defiance to Philip, of whom he was offended with none so much as the earl of Flanders, who being his vassal, boldly told him, he would no longer acknowledge him for sovereign.

Whilst Philip was preparing to repulse this attack, Edward was using all possible endeavours to procure the money which he wanted extremely, on account of his engagements with

\* M. West. says, Edward promised to give the emperor a hundred thousand pounds sterling, p. 421. In Rymer's Fœd. it is three hundred thousand pounds of black Tournois, tom. ii. p. 741. And gave the earl of Flanders fifteen thousand pounds, to fortify his castles. *Ib.* p. 429. King Edward gained also Amadeus earl of Savoy to his side, and sent him two and twenty thousand pounds sterling, to pay the forces that were to be raised in his dominions, and the parts adjacent. *Ib.* p. 651.



the confederate princes. To that end he assembled the parliament at St. Edmundsbury, and obtained an aid of the eighth part of the moveables<sup>†</sup> of the cities and boroughs, and a twelfth of the rest of the laity. This example could not influence the clergy. They pretended they were exempted from giving aids to the king, by virtue of a bull sent the last year by Boniface VIII. to the archbishop of Canterbury, which he had kept without making public. By the bull all ecclesiastics were expressly forbid to pay any tax to secular princes, without the consent of the holy see. The clergy's refusal provoked the king very highly: nevertheless before he proceeded to violent methods<sup>‡</sup>, he caused it to be represented to the principal members, that since they possessed sees in the kingdom, and enjoyed the protection of the laws, as well as the rest of his subjects, it was but reasonable they should contribute to the public expences. But these remonstrances were ineffectual. When he found he could not prevail, he commanded all the lay-see<sup>§</sup> possessed by the clergy to be seized, and their persons to be thrown out of the protection of the laws; expressly forbidding his judges to do them justice in any case whatsoever. So bold a step astonished the clergy, who, since the beginning of the monarchy, had never experienced the like resolution in any king of England. If Edward had been like his father or grandfather, perhaps that powerful body would have found, in the people's discontent, means to make the king repent of his boldness. But as they perceived it would be difficult to stir up the people, they did not think proper to exert their endeavours, which probably would be to no purpose. Wherefore some speedily compounding with the king for the fifth of their goods, their example drew in the rest. The archbishop of Canterbury was treated more severely, as he was not only the first adviser of the clergy's refusal, but persisted in it more obstinately than the others<sup>¶</sup>. The king ordered all his estates to be seized, with the revenues of the monasteries of his diocese, and committed the management of them to officers, who left the monks no more than was absolutely necessary for their subsistence. In all appearance, this was to punish them for too warmly adhering to their archbishop. The king's resolution at length made

Act. Pub.  
ii. p. 707.  
M. West.  
p. 428.  
Walsing.

M. West.  
Walsing.

<sup>†</sup> M. West. says, it was the eighth penny, from all merchants and citizens, of cities and towns, p. 422. which was held at London, Jan. 15. Walsingham.

<sup>‡</sup> He gave them time to consider of this matter till the next parliament, p. 428. <sup>¶</sup> He caused the bull above-mentioned to be read in all cathedrals. Ib.

that prelate stoop, who to recover his sovereign's favour, gave him a fourth part\* of his goods. Thus the clergy when they meet with vigorous princes, are as submissive, as they are haughty, when they have to deal with those that are scrupulous and weak.

Edward is  
opposed by  
the barons.  
M. West.  
Walsing.

Shortly after, on much the same occasion, the lay-lords showed more steadiness than the prelates, though against the same prince. To execute his grand projects, he assembled the nobility at Salisbury, on purpose to see exactly what troops each baron could furnish him with†. His intention was to make a powerful diversion in Guienne, whilst he pressed the enemy on the side of Flanders. But it was difficult to find lords that would serve, but when he commanded in person. Every one desired to be excused serving in Guienne, though they were willing to furnish the troops. Edward, not satisfied with their excuses, threatened to give their lands to such as would be more obedient. These menaces raised great commotions among the nobles. They were far from thinking their lands as the king's disposal. Humphrey Bohun high-constable, and Hugh Bigod earl of Norfolk and marshal of England, more bold than the rest, plainly told the king, they were ready to follow him where he commanded in person, and not otherwise. The marshal added, he was willing to lead the van-guard under the king as his office obliged him, but would not serve under any other, to which none had a right to compel him. The king answered in a great passion, he would make him go. To which the other replied, he should not. "By the eternal God, said the king then, in great rage, you shall either march or be hanged." "By the eternal God, replied the earl, I will neither march nor be hanged;" and immediately withdrew without returning to court any more.

Boldness of  
two earls.  
Knighton.  
Col. 2493.  
Walsing.  
C. Abbot.

The king  
durst not  
chastise  
them.  
M. West.

Edward had seen, in the king his father's reign, frequent and fatal instances of the insolence of the barons. He knew too well how great their union was in the defence of their privileges, to hazard his reputation and quiet in a war against them. A quarrel of that nature must have been very prejudicial to him, as well as to the whole kingdom. The least inconvenience that could happen, was the losing the oppor-

\* The fifth part, says M. West. and Walsing.

† He ordered those that held by knights services, and all that were worth above twenty pounds a year in land, to

be ready at London, by August 1, with horses and arms, to go over with him into Guienne.—And also raised the custom upon wool, from twenty to forty shillings per bag. Walsing. p. 69.

unity of being revenged of the king of France. And the barons stood disposed, it was scarce to be doubted, but they would have all joined against him, if he had undertaken openly to chastise the insolence of those that dared to withstand him to his face. He had still farther reason to be confirmed in this belief, when he heard that, dreading his resentment, they began to raise troops in their defence, in case he designed to attack them\*. Without much penetration it was easy to see, they were supported. These considerations induced the king to hide his resentment till he could show it effectually. Besides, he was unwilling to lose the opportunity of going into Flanders, where the wants of the earl his ally incessantly called him. However, it was not long before he found a favourable juncture to correct the boldness of the two earls, by turning them out of their posts, because they refused doing something belonging to their offices, for fear of falling into their hands. He was very near repenting what he had done. As he was going to embark, he received from the bishops, earls, barons, and commons of the realm, a long remonstrance, containing a list of the grievances of the nation, and several violations of the great charter. This proceeding made him sensible, he was to act with deliberation, for fear of provoking a nation, which seemed ready to take fire upon the first occasion. He returned therefore a very gracious answer to the remonstrance, and promised upon his honour, to redress, at his return, all the abuses complained of. He desired the nobles to be quiet during his absence, assuring them, he would give them entire satisfaction. As it was no less necessary to appease the people, exasperated by the secret practices of the two earls, he published a proclamation to justify his conduct, and shew his reasons for turning out these two great officers. Amongst other things, he said in the proclamation he was informed his people were made to believe, that he refused to receive remonstrances, tending to the good of the public; which he affirmed to be false. He expressed likewise great sorrow for having put his subjects to vast expences for the maintenance of his wars. He desired his people to excuse what necessity had constrained him to do, and promised to observe the great charter punctually for the future, which he shortly after performed. The prince his son, whom he left

He turns them out of their offices.

The people complain to the king. Knighton. Col. 2511. Walsing. p. 71. M. West.

He appeases them by a proclamation.

A&C. Pub. ii. p. 783.

Knighton.

\* They drew several of the great men to their side, and assembled about fifteen hundred men together, intending to stand upon their own defence: they refused also to pay all manner of taxes or contributions. Knighton.

A& Pub.  
ii. p. 791.  
Walsing.  
Knighton.  
M. West.

regent<sup>a</sup>, assembling the parliament, and obtaining a large subsidy<sup>b</sup>, confirmed king John's two charters, by an authentic act, signed in Flanders by the king himself, and sealed with the great seal which he had carried with him<sup>c</sup>. We may observe in the history of England several of the like instances. I mean, that the kings, who have dealt gently with their subjects, and answered with moderation to their complaints, have seldom failed to appease them, provided they have not, like Henry III. affected continually to deceive them and break their word. On the contrary, such as have acted too haughtily, have generally brought themselves into great trouble; of which we have seen very remarkable examples in some of the foregoing reigns.

Philip pre-  
pares for his  
defence.

Whilst Edward was employed at home in making preparations to support the league against France, Philip was no less careful to provide against the impending assault. He strengthened himself by alliances with the kings of Castile and Arragon, and raised a powerful army, whilst Joan queen of Navarre his wife, assembled her own forces to assist him. Champagne, which belonged to that princess, was first attacked by the earl of Bar, one of Edward's allies, who ravaged the province from one end to the other. But the sequel of this undertaking was as fatal to the earl, as the beginning was prosperous. Upon the queen's approach, who

<sup>a</sup> The following persons were appointed his governors or counsellors, Richard bishop of London, William Beauchamp, earl of Warwick; and Reginald de Gray, John Giffard, and Alan Plokenet, knights. Walsingham. John de Langton was appointed chancellor. Rymer's Fed. T. ii. p. 791.

<sup>b</sup> In consideration of his confirming the two charters, the laity regranted him the eighth part of their goods, they had given before at St. Edmondsbury; (for it had not been yet levied; the earls of Hereford and Norfolk, having given express orders to the barons of the exchequer, and the sheriffs, not to attempt to collect it; alledging, that it had been granted without their knowledge, "sine quorum assensu tallagium non debet exigi, vel imponi." M. West. p. 431.) The clergy also granted the king a tenth. Ibid.

<sup>c</sup> It was sealed at Ghent, November 5. This act or statute is extant in Coke's second institute. p. 525. and contains some additions to, or explanations of some articles in Magna Charta.

It is as follows: 1. No tallage, or aid, shall be imposed, or levied, by us or our heirs, in our kingdom, without the will and consent of the archbishops, bishops, earls, barons, knights, burgesses, and other freeholders in our kingdom. 2. No officer belonging to us, or our heirs, shall take the corn, provisions, or any other goods whatsoever, without the owner's consent. 3. Nothing shall be taken for the future, for any sack of wool, under the name and pretence of customs. 4. We will and grant, for us and our heirs, that all the clergy and laity in our kingdom, enjoy all their laws, liberties, and free customs, as fully and freely, as they have been used to enjoy them at any time. And if any statutes have been made, or customs introduced, by us or our ancestors, contrary to them, we will and grant, that they be for ever void and null. The rest relate only to the earls of Essex and Suffolk, &c. See Coke's second institute, p. 532, &c. Knighton, Walsingham.

was advancing to defend her country, the earl, seized with fear, and unable to fight, or retreat, was forced to surrender to that princess, who sent him prisoner to Paris.

Mean while the confederate princes made no haste to send their troops into Flanders. Adolphus of Nassau, detained by troubles which Philip had raised him in Germany, or as some affirm, by presents, could not, or would not perform what he had promised. The duke of Austria was bribed by the same means, and the dukes of Brabant and Luxemburgh, the earls of Guelders and Beaumont, followed their example. Philip improving this advantage, entered Flanders at the head of sixty thousand men, and immediately sat down before Lisle. Guy, who impatiently waited for the English supplies, was not able to withstand the king of France, not having half the forces he was made to expect. All he could do was to try to break Philip's measures by a diversion, under the conduct of the duke of Juliers. When the king of France heard, that that general had taken the field, he detached the earl of Artois, who meeting him near Furnes, gave him battle, and put his army to rout. The duke of Juliers was slain in the fight, and the earl of Artois lost his eldest son. The defeat caused Guy not to stir from Ghent and Bruges, where he expected Edward. Besides, he was in great perplexity, by reason of the divisions in his country. There were two parties in Flanders, one, called Port-lys, was in the interests of France, and the other for the earl.

Edward arrived at last, after having been long expected, but with forces little proportioned to the great undertaking, because he depended upon the allies, who were not so good as their word. At his entry into Bruges, he found the whole city in confusion, by reason of the animosity of the two fore-mentioned factions. It was with difficulty, that he at length appeased the commotions of the city, by granting the inhabitants certain privileges concerning their commerce with England. After that he came to Ghent, where he found the same divisions. So, as on his part, he brought not with him all the forces he had promised, he himself saw with vexation how little able the earl of Flanders was, to supply the troops he had been made to expect. The Flemings were divided concerning the war. Some approved of it, whilst others maintained it to be destructive to their country, and undertaken by their prince for his own, or the king of England's interests. Whilst Edward was employed in composing

<sup>d</sup> Knighten says, he carried over one fifty thousand foot; thirty thousand thousand five hundred men at arms, and whereof were Welchmen.

Lisle taken  
by Philip,  
who makes  
other con-  
quests.

these differences, so prejudicial to his affairs, Philip, after a three months siege, made himself master of Lisle. When he was in possession of that place, he easily reduced Douay, Courtray, and some other towns in the neighbourhood. Then he marched to Bruges, which surrendered without resistance. He had formed the project of burning the English fleet, which lay at anchor at Dam. But the earl of Valois, who had taken the expedition upon him, not being secret enough in his preparation, found the English ships sailed.

A truce be-  
tween the  
two kings.  
Act. Pub.  
ii. p. 795,  
&c.

All Edward's measures were broken, by the treachery of his chief allies, who forsook him after taking his money. The supplies he could expect from the earl of Flanders, were uncertain and inconsiderable, by reason of the Port-lys faction, which opposed all resolves detrimental to France. His own troops were too few to enable him to withstand his enemy's forces. Besides, fresh commotions in Scotland rendered his presence necessary in his kingdom, where too he was not without fear, that his absence might occasion some troubles. All these considerations induced him to seek some expedient to get off, without being obliged to abandon the earl of Flanders, whom he had engaged in his quarrel. He found no better than to desire a truce, which was granted him solely upon the account of the king of Sicily, and the earl of Savoy, who used their interest for him. By the truce, (which was to last but till the Epiphany for Guienne, and till St. Andrew's day \* only for Flanders) Philip continued in possession of the places he had taken. Probably, this condition served to prolong the truce for two years, Philip being very well pleased peaceably to enjoy his conquests. How hasty soever

Act. Pub.  
ii. p. 800,  
&c. 804, &c.

Edward  
stays in  
Ghent, and  
is like to be  
killed.  
M. West.

Edward might be to settle matters in Scotland, he spent the rest of the winter at Ghent, to try to unite the inhabitants of that powerful city. He hoped by that means to have a considerable assistance from thence, when the truce was expired. During his stay, he was in danger of his life, by a sedition of the citizens, who were resolved to murder all the English. It is said, he owed his life to the generosity of a Flemish knight, of the Porte-lys faction, who by his intreaties stopped the fury of the mutinous people. His danger giving him reason to dread some fresh insult, he relinquished his undertaking and returned to his dominions.

Such was the success of Edward's expedition into Flanders. The powerful league which seemed ready to swallow up France, served only to drain the treasure of the projector, and

\* Till eight days after. See Rymer's Fœd. tom. ii. p. 795—798.

convince him, how difficult it would be to recover by force the country lost by his imprudence. To be disappointed in his projects, was not much : that is a misfortune to which the greatest men are sometimes liable. But here was more : he could not extricate himself out of the difficulties he had run into, without greatly injuring his honour. Notwithstanding his promise to protect the earl of Flanders, he deserted him however, as will be seen hereafter. Let us return now to Scotland, which is to be the chief subject of the rest of this reign.

Though Edward had conquered Scotland, he had not subdued the hearts of the Scots, who bore with impatience the yoke imposed on them by force. When they saw Edward employed in Flanders, they took that opportunity to rise under the conduct of William Wallace, a man of no illustrious family, and of a still meaner fortune, but of a very great genius<sup>f</sup>. This generous Scot, though of little authority among his countrymen, took upon him to raise his country out of the gulph of misery wherein it was plunged, whilst the persons of the highest rank, divided by factions, or adhering to the conqueror, were striving who should most perpetuate its slavery. The Scotch writers give this famous man a character, which equals him to the greatest heroes, and are at a loss for words lofty enough to express his merit. Wallace then, though scarce known in Scotland, resolving to retrieve the liberty of his country, assembled a small number of troops for that purpose. How inconsiderable soever this body was, of which he had the command, he made so wonderful a progress, that one does not know which to admire most, either the boldness, or the first success of his enterprize. All that longed for liberty, finding there was a man hardy enough to head them, listed in crowds under his banner, and quickly formed a considerable army. With this aid, Wallace attacked the places possessed by the English, and whose garrisons were weak, because Edward had wanted his troops in Flanders. By his severity to those that fell into his hands, he struck such terror into the rest, that scarce any place held out to extremity, for fear of being liable to the same treatment. By this means he recovered in a very short space, all the towns taken by the English, and left them only the single town of

Affairs of  
Scotland.

William  
Wallace  
stirs up the  
Scots to a  
revolt.  
Buchanan.  
Wallace.

He drives  
the English  
out of Scot-  
land.

Wallace.  
Knighton.

<sup>f</sup> T. Walsingham says, that William de Ormesby, king Edward's justiciary in Scotland, having banished several persons out of that kingdom, because they refused to swear fealty, and do homage to his master : they entered into a confederacy, and chose Wallace for their leader, in May, this year, p. 70.

## THE HISTORY

“ of the throne, to dare to look so high ; but that his only aim was to free his country, which the great men of the realm suffered to be ruined by their cowardice.” It is said this reply made such an impression on Bruce’s mind, that he burst out into tears. It is added, that he resolved from that very moment, to use his utmost endeavours to deliver Scotland from the slavery she groaned under.

Wallace lays down the regency. Buchanan.

Comyn chosen in his place. Id.

Edward pushes the negotiation of peace with France.

Mean time Wallace, knowing how much the great men’s jealousy of him was prejudicial to the interests of the kingdom, resigned the regency, and acted only as a private person. He ceased not however, to the utmost of his power, and upon all occasions, to endeavour to set his country free. Some time after Edward left Scotland, they who had any remains of affection for their country, chose Comyn for regent. But the regency was of little consequence, since it gave him authority only over a small part of the kingdom, and a few confused troops, escaped from the late battle.

Upon Edward’s return into England<sup>1</sup>, he used his utmost endeavours to promote the negotiation, now in the hands of the pope, for the restitution of Guienne<sup>m</sup>. Since he despaired of regaining that province by arms, the alliance of the earl of Flanders was a burden to him, the protection he had promised him being a perpetual obstacle to the conclusion of the peace. He resolved therefore to abandon his ally, and from thenceforward all difficulties began to vanish. The unfortunate earl, forsaken by the king of England, and, on the other side, pressed by the earl of Valois, who commanded the French army in Flanders, knew not which way to turn himself. In this wretched situation, he was persuaded at length to deliver himself up to that prince, who promised to conduct him to Paris, that he might treat in person with the king, and in case he could not within a twelve month

<sup>1</sup> After the battle of Falkirk, king Edward intended to march further into Scotland, but was forced to alter his resolution, because the country being utterly wasted, and his fleet not arriving with provisions, as was expected, a great scarcity was thereby occasioned in his camp. He retired therefore through the forest of Selkirk towards England, taking by the way the castles of Ayer and Loughmaben in Annandale : and from thence came to Carlisle, and afterwards to Durham, where he held a great council in the beginning of September, and bestowed on several

great men of England and Scotland, the estates of such Scottish noblemen as had of late revolted from him. From thence he removed to Tinnmouth, and then to Cottingham near Beverley, where he kept his Christmas. Walsingham.

<sup>m</sup> Not long after Christmas, king Edward held a parliament at London, on the first Sunday in Lent ; wherein he was petitioned by the parliament to confirm the great charter, and charter of forests ; accordingly he confirmed the former, but refused to confirm the latter : whereupon the parliament broke up in discontent. Mat. West.

obtain



obtain a peace, to permit him to return into his dominions: But Philip not thinking himself bound by his brother's word, kept the earl prisoner.

The two years truce between France and England being about to expire, the ambassadors of the two kings met at Montreuil upon the Sea, where the pope sent them his sentence of arbitration, the substance whereof was as follows: that Edward should again take possession of Guienne, and, to restore union between the two kings, should marry Margaret, sister of Philip<sup>3</sup>, and that Isabella, daughter of Philip should be given to the prince of Wales, son of Edward. It was said also in the sentence, that John Baliol, king of Scotland, should be delivered into the hands of the pope's nuncio, to be kept where he should think proper. The plenipotentiaries of the two crowns signed this sentence: but as there were several things to be adjusted in order to put it in execution, they agreed upon a truce, which afterwards was often prolonged before the treaty of peace was signed. Mean while Baliol was delivered to the bishop of Vincentia, the pope's nuncio, who committed him to the custody of some French bishops.

When the new regent of Scotland heard that a treaty was negotiating at Montreuil between France and England, he sent deputies to Philip, to entreat him to cause Scotland to be included. The juncture appeared favourable; Edward earnestly wished to recover Guienne by treaty, not thinking himself in condition to regain it any other way; probably therefore he would upon that consideration grant Scotland tolerable terms, if the king of France would seriously endeavour to obtain them. And indeed Philip tried at first to persuade Edward to leave Scotland in quiet: but the moment he proposed it, he found it impossible to procure any thing but some little advantages, which too they would be obliged to purchase by a formal acknowledgement of the power that held them in slavery. Edward was in possession of Scotland, where he scarce met with any more opposition; so to propose his granting a peace to that kingdom, was in effect to desire him

<sup>3</sup> Eleanor, wife of Edward, died November 28, 1291, of a fever, at Grantham, in Lincolnshire. In memory of her the king erected a cross wherever her corpse rested, in the way from Lincolnshire to Westminster: as at Waltham, St. Alban's, Dunstable, etc. and particularly Charing-cross, Rymer's Fed. tom. ii. p. 498. Mar-

garet was to have from the king her father for her dower fifteen thousand pounds de Tornois petiz. Rymer's Fed. tom. ii. p. 831. What dower king Edward granted her, see Ibid. p. 854. Margaret lived at Dover, Septemb. 8, and king Edward and she were married at Canterbury, September 10. Mat. West.

**Comyn ex-  
horts the  
Scots to  
break it.**

**All Scotland  
rises and  
drives the  
English out  
of the king-  
dom.  
Buchanan, -**

**- 1300.**  
**Edward's**  
**third expedi-**  
**tion into**  
**Scotland.**  
**Wailing.**

to relinquish his conquest. On the other hand, he could not grant a separate peace to the regent and his adherents, without leaving in Scotland a power independent of his own. All therefore that Philip could obtain was a seven months truce for such as could not think of bearing his yoke. If we believe the Scotch historians, the truce was ill-kept by England. But perhaps this is only to justify Comyn's resolution to break it. However that be, the regent assembled the lords whom he knew to be well-affected to their country, and represented to them the sad condition it was reduced to. He told them, if they gave Edward time to secure his conquest, he would take such measures as would render ineffectual all future endeavours for the recovery of their liberty: that as soon as the few remains of the Scots which still resisted were subdued, he would entirely reduce the miserable kingdom to a perfect slavery: that his design would now have been executed, had it not been retarded by the truces procured them by France: that there was therefore no time to lose, and it was necessary speedily to resolve to make a generous effort for their liberty, or to leave their country in perpetual slavery. Then he shewed them with that ease they might free themselves from the yoke, whilst Edward depended on their weakness, and the winter season offered them advantages which they could never more expect when once it was passed. These remonstrances produced the desired effect. The lords, fond of liberty and impatient of their servitude, unanimously resolved to rise in arms, and every one laboured to inspire the people with the same resolution. It was not difficult to succeed, for the meaner sort were still more exasperated against the English than the nobles, because they were worse treated. In a short time the whole kingdom rose, and it was not possible for the English garrisons to put a stop to so general a revolt. All the inhabitants of the towns as well as of the country taking up arms the same day and hour, the garrisons found themselves attacked all at once, both within and without, with such rage and fury, that there was no possibility of resisting. In a word they were reduced to the necessity of desiring leave to depart the kingdom, otherwise they could not avoid being cut in pieces,

Edward, enraged that there was no end of these things, raised an army with all possible speed, and, as soon as the season would permit, entered a third time, sword in hand, that unfortunate kingdom. The Scotch army, which con-

<sup>a</sup> And in his way thither, held a parliament at York, November 11. Walsing.  
p. 77.

lifted only of ill-armed and undisciplined militia, not being able to stand against Edward, would have retired upon his approach: but he followed them so briskly, that being at length overtaken and obliged to engage, they were entirely routed. Historians affirm that the fate of Scotland would have been determined that day, if the English could have pursue their enemies through the fens, which were known to the natives, but which the conquerors durst not venture to pass.

He defeats the Scots. M. West.

The Scots, upon this defeat, despairing of making any farther resistance, had recourse to intreaties and submissions. They humbly desired the king to give them leave to redeem their lands with money, and to restore their king on what conditions he pleased. But he refused both these requests. This cruelty caused them to seek means to ease their misery, by putting themselves under the pope's protection, to whom they sent ambassadors with an offer of the sovereignty of their country. Boniface VIII. whose ambition is well known, immediately accepted the offer. He had been used to proceed very haughtily with Christian princes, imagining they were implicitly to submit to his will, and that his authority reached to temporals as well as spirituals. In this belief he supposed his bare letter was sufficient to cause Edward to quit all his pretensions to Scotland. In the beginning of the brief, the pope took for granted what had never been heard of.

He rejects their submission. Walsing.

They apply to the pope, who accepts their offer of sovereignty. Walsing.

Boniface, servant of servants, etc. to our beloved son Edward, illustrious king of England, greeting, and apostolical benediction.

The pope's bull to Edward. Act. Publ. tom. ii. p. 844. Walsing. M. West. Knights.

WE know, dear son, and experience has often convinced us, how great your devout affection is for the church of Rome, who upholds you in the bowels of love. We know, I say, your ardent zeal and reverence for her, and your readiness to obey her orders. This gives us a firm hope and entire confidence that your royal highness will receive our

p King Edward having kept his Christmas at Berwick, and delivered the government of Scotland to John de St. John, and others joined in commission with him, returned into England about Candlemas; and coming to Winchester, he sent for the citizens of London, and restored their liberties, after they had been kept twelve years in his hands. But before he left Scotland, he issued out his writs, dated at Berwick,

December 29, for the calling a parliament to meet him at Westminster the second Sunday in Lent, in which the Great Charter and that of Forests were renewed and confirmed; and a new statute was made for the better explaining them, called Articuli super Chartas, which may be seen in Cooke's 2d Institute, p. 537. Fabian's Chron. Rot. Claus. 28 Ed. I.

words in good part, diligently listen to them, and effectually put them in execution. Your royal highness may have heard, and we doubt not but you remember, that of old the kingdom of Scotland did, and does still, belong to the church of Rome, as all the world knows, and, as we have been informed, was never held either of yourself or predecessors, etc.

The rest of the brief, which is too long to be inserted, contains most of the objections against the pretensions of the kings of England to the sovereignty of Scotland. As in all appearance the pope had been instructed by the Scotch ambassadors, it is to be presumed that if, during the assembly at Norham, the states of Scotland returned no answer to what Edward alledged, it was not for want of proofs, but from quite another motive. The pope likewise upbraided Edward for all the violences committed in the Scotch war, and particularly for the imprisonment of several bishops. In fine, he made himself judge of the controversy between the English and Scots, and ordered the king to send ambassadors to Rome, with all necessary instructions, within six months at farthest, after which he would pronounce a final sentence.

Edward threatens to destroy Scotland. Walsing.

This haughty proceeding was by no means proper to cause Edward to lay down his arms. He was so offended at it, that instead of regarding the pope's pretensions, he swore, if he heard any more of them, he would destroy Scotland from sea to sea. The deputies of the Scots, who were present, could not hear these threats without emotion: they told him, he had still a great deal to do before matters could be brought to that pass, and there was not a Scotchman but what would spill the last drop of his blood in the defence of his country. But notwithstanding his resolution not to leave Scotland before it was entirely reduced, he durst not refuse the king of France a truce which he demanded in behalf of the Scots.

Grants a truce. A. & Pub. tom. ii. p. 368. Edward creates his son prince of Wales. M. West. Walsing.

It was during this truce that Edward invested his eldest son, now seventeen years old, with the principality of Wales and the earldom of Chester. The Welsh rejoiced at it, and considered it as a mark of the king's favour, because the young prince was born in their country.

1301.

In the beginning of the next year the king summoned a parliament at Lincoln<sup>q</sup>, to consult with them concerning the

<sup>q</sup> January 21. In this parliament the earls and barons complained of grievances, and petitioned the confirmation of the two charters, which re-

quest of theirs the king complied with. M. West. p. 433. The laity granted the king a fifteenth. Ibid.

pope's

pope's pretensions to Scotland, and about an answer to his brief. The parliament being no less exasperated at the pope's pretensions and haughtiness than the king himself, it was resolved that a letter should be sent to the pope, signed by all the barons of the realm. In the letter they plainly tell him the direct contrary to what he asserted in his brief, namely, that the crown of England had immemorially enjoyed the right of sovereignty over Scotland, and it was notorious that Scotland, as to temporals, never belonged to the church of Rome: that therefore the parliament would never suffer the king's prerogative to be called in question, or ambassadors to be sent to Rome upon that account, though the king himself should be willing to be so condescending to the holy see. Finally, they desired the pope to leave the king and people of England in the enjoyment of their rights without giving them any disturbance<sup>r</sup>. This letter was followed, some months after, by another from the king himself, with a memorial, like that at Norham, to justify that the kingdom of Scotland had been always dependent on the crown of England. But whereas in the first he carries his claim no higher than Edward the Elder, in this he derives it from Brutus, first fabulous king of the Isle of Albion, tracing it through all the reigns of the fictitious kings mentioned in the history or rather the romance of Geoffrey of Monmouth, which he did not venture to do in the memorial drawn up for the Scots: but every thing was valid to the pope and Italians, who were not sufficiently versed in the English history to discern truth from falsehood. Besides, the king's letter was very respectful, and contained no expressions offensive to his holiness. This moderation on such an occasion, when he was highly provoked at the pope's pretensions, must be ascribed to the need he had of him in the affair concerning the restitution of Guienne.

The truce with Scotland was no sooner expired, but Edward returned, and spent the whole winter in that kingdom. But when he was preparing to renew the war, he was so strongly solicited by the king of France, that he could not refuse the Scots the prolonging of the truce till November. One might wonder he should have so much complaisance for Philip, if it was true, as some affirm, that he had made a

Answer to  
the pope's  
bull.

Act. Pub.  
tom. ii.  
p. 873.  
M. West.

The king  
sends a letter  
also.  
ib. p. 883.

Edward re-  
turns into  
Scotland,  
and prolongs  
the truce.  
Act. Pub.  
tom. ii.  
p. 892.  
M. West.

<sup>r</sup> This remonstrance is subscribed by a hundred earls and barons, who declare besides, that they had authority to represent the whole community of the kingdom. Dr. Howel has given the

names of them, and calls it a List of those Worthy Patriots who withstood Papal Usurpation. The list and names of them are in Rymer's Fœd. tom. ii. p. 873, 874.

peace with France at Montreuil and taken possession of Guienne. But it is certain, the peace between the two crowns was not fully concluded till 1303, and the treaty of Montreuil was properly only the pope's arbitration, containing several articles, the performance whereof might meet with great difficulties, though in general the two kings were satisfied with it. This makes Edward's deference for Philip not so strange, since by a refusal he might have retarded the conclusion of a peace by which Guienne was to be restored.

1302.  
He sent Se-  
grave into  
Scotland.

The truce with Scotland being about to expire, Edward sent Segrave<sup>a</sup> into that kingdom to renew the war. The general marched thither not so much with design to fight the Scots, whom he thought unable to resist him, as to destroy the country: to that end he divided his army into three bodies, which marched at some distance from one another, in order to inclose the more ground. His notion that there was no danger, causing him to march in a careless manner, and without vouchsafing to inform himself of the posture of his enemies, he unexpectedly met with them near Roslin, five miles from Edingburgh: as he was too far advanced with the body he commanded, to receive any assistance from the others, the Scotch army, under Comyn and Frazer, attacked him without loss of time, and immediately put him to rout. The nearest of the two other bodies hearing the general was attacked, hastened to his relief, but not being able to come time enough, were likewise defeated. Though the Scots were victorious in these two engagements, it was not without difficulty and loss. Their wounded being many, and their troops much harraffed, they were willing to take some rest, when they saw the third body of the English advancing to attack them: the sight put them into such disorder, that they would forthwith have taken to flight if the exhortations of their generals had not revived their courage. This last battle was the sharpest of the three<sup>b</sup>: the English, animated with a desire of revenging their countrymen, and the Scots encouraged by their two victories, fought a good while with equal animosity, but the Scots had the advantage at last and routed their enemies. The English historians slightly pass over these three battles and the Scots on the contrary take care to extol this triple victory<sup>c</sup>. Perhaps the one say too much, and the others

Three vic-  
tories gained  
by the Scots  
in one day.  
Buchanan.

<sup>a</sup> John de Segrave; about the beginning of November, constituting him governor of Berwick, and guardian of the kingdom of Scotland. Walsing.

<sup>b</sup> These three battles were fought on February 24, 1302. Buchanan.

<sup>c</sup> The Scotch historians ascribe all the glory to Comyn and Frazer, without

others too little : be this as it will, it cannot be denied that this check appeared of moment to Edward, since it made him resolve to enter Scotland once more with a greater army than ever. It was not in his power however to execute his design till the next year, because he could not help including the Scots in a truce made with France till June.

Before the truce was expired, the peace between the two crowns was concluded at Paris, on the 20th of May, 1303. Philip restored Guienne to Edward, who promised to do him full homage, and without limitation, in the city of Amiens. As for the allies of the two kings, there was no mention of them in the treaty : on the contrary, each monarch obliged himself by oath not to assist the others enemies. Thus the Scots and earl of Flanders were equally abandoned. This is one of the many remarkable instances, how little petty princes can rely upon their alliances with more powerful sovereigns : though the first article always runs, that neither peace nor truce shall be made without the consent of all parties, it is usually this that is first violated. Indeed Philip persuaded the Scots that he would procure them a separate peace at a future interview with Edward, but nothing was farther from his thoughts ; for he had left the Scots to the mercy of the king of England only to prevail with him to abandon the Flemings, who, having taken up arms against him, had now gained great advantages. Baliol, from whom this treaty had taken all hopes of being ever restored, lived upon his estate in Normandy, and spent the residue of his days as a private person \*.

The unexpected contests between pope Boniface and Philip the Fair had long delayed the conclusion of the peace. The pope, who had projected to turn the arms of the Christians against the infidels, pretended arbitrarily to command all the princes of Europe to end their differences according to his caprice, and prepare to send or lead in person their forces to the Holy Land. The haughtiness wherewith he would have treated the king of France, occasioned such disputes between

out mentioning Wallace. See Duchanan. Whereas the English attribute all to the brave Wallace. M. West. Walsing.

\* The commissioners or plenipotentiaries appointed by king Edward to conclude this peace, were Armadeus earl of Savoy, Henry de Lacy earl of Lincoln, and Otto de Grandison, as appears by the king's commission to them, dated at Odiham, January 30. See Rymer's Fœdera, tom. ii. p. 925.

† He was delivered by the constable of Dover castle to Reginald bishop of Vizenza, the pope's nuncio at Wiltant, in 1299, as appears by the king's warrant to him, dated at Canterbury, July 14 in Rymer's Fœd. tom. ii. p. 840. King Edward, in 1296, granted his land and estate in England to John de Bretagne, his nephew. Rymer's Fœd. tom. ii. p. 1029.

Edward is prevented entering Scotland by a truce. Aët. Pub. tom. ii. p. 913.

1303. Treaty of peace between France and England. Aët. Pub. tom. ii. p. 923. M. West.

Aët. Pub. tom. ii. p. 929. M. West.

The peace was made without the pope.

Walsing. Kn. gh. 104.

them as grew at length to an open rupture. For this cause Philip, looking upon the pope as his enemy, rejected his arbitration, and concluded a peace with Edward, without the intervention of him whom they had chosen for umpire<sup>1</sup>.

Edward's  
fourth expe-  
dition into  
Scotland.  
Buchanan,  
Walsing.

Edward having nothing more to fear from France, carried his arms a fourth time into Scotland, with so numerous an army, that he met with no resistance. He penetrated even to the utmost bound of the island, ravaging the country on all sides, the Scots being unable to oppose so formidable a power. Wallace alone kept close to him with some troops, in order to harraß him, and revenge the Scots upon the English soldiers that ventured to stir from the army. How great soever Edward's advantages were, he was not so severe to those who voluntarily submitted as he was in his former expedition. He had found, that by driving them to despair, he had himself induced them to revolt. For this reason he treated favourably such as surrendered, and permitted them to redeem their lands, which he had before refused. This gentleness produced so good an effect, that all the great men of the kingdom, seeing no other remedy, were willing to embrace it<sup>2</sup>. Before he quitted the kingdom, Edward ordered Stirling castle to be assaulted, which held out the whole winter. The vigorous defence of the besieged obliged the king to be there in person as soon as the weather permitted, and yet it was July before he brought them to capitulate. Buchanan says, that, contrary to the articles of the capitulation, he committed to prison the governor and officers of the garrison.

Knighton.  
He grants  
some fa-  
vours to the  
Scots.  
Ald. Pub.  
tom. iii.  
p. 930.  
Walsing.  
M. West.  
Ryley's Pla.  
Stirling ca-  
stle besieged.

1304.  
He takes it.  
Walsing.

The taking of sterling finished Edward's fourth expedition and third conquest<sup>3</sup>. But though Scotland may justly be said to be conquered on this occasion, there were still in the country certain impenetrable places, which afforded a retreat and sanctuary to those who could not live in slavery, and who greatly promoted the restoration of the whole kingdom to its

<sup>1</sup> This year the said pope died, on October 12, after he had been accused by the king of France of heresy, simony, and murder, imprisoned, and plundered of all his goods. Walsing. p. 87. This year also the king's exchequer at Westminster was broke open, and robbed of about one hundred thousand pounds; for which several of the monks of Westminster abbey were imprisoned. See Rymer's Fœd. tom. ii. p. 930, 938.

<sup>2</sup> The terms were, that their lives, limbs, and members should be saved; and they were to be free from imprison-

ment, and not to be disinherited; nor pay any thing except for their ransom and fine, and the amends for their faults only committed against the king, etc. See the terms at length in Brady, p. 78, etc.

<sup>3</sup> After which he returned to England, leaving Scotland under the care of John de Segrave; and when he came to York, removed the courts of king's bench and exchequer, which had been there seven years, to their old place in London. Walsing.



ancient liberty. This is what Edward himself, in the midst of his successes, could not forbear dreading. The rigour with which he treated the brave Wallace, who was basely betrayed into his hands <sup>b</sup>, is a clear evidence he did not think the Scots subdued, though he was master of Scotland. To deter them by the punishment of this great man, whom he looked upon as the sole author of their revolt, he caused him to be tried, condemned, and executed as guilty of high treason <sup>c</sup>, and ordered his four quarters to be hung up in four of the principal towns in the kingdom <sup>d</sup>. The sentence was pronounced by English judges, though Wallace was a Scotchman, and had never owned the jurisdiction of Edward. To excuse in some measure so extraordinary a severity, there are historians who endeavour to defame Wallace, and charge him with excessive cruelties: but neither these accusations, nor the manner of his death could hinder posterity from doing him the justice he deserved, and unprejudiced people from still deeming him a hero worthy of a better fate.

Tragical end  
of Wallace.  
Buchanan.  
M. West.  
Walsing.

Edward having nothing more to do in Scotland, returned into England, where he applied himself to cause his authority to be respected, for which some among the barons shewed but little regard. Segrave <sup>e</sup> was the first attacked on this account, to serve for example to the rest. Being accused of some misdemeanor, he, in defence of his innocence, challenged his accuser to a duel, according to the custom of those days <sup>f</sup>. But the king not thinking fit to consent to it, Segrave crossed the sea, in order to fight out of the kingdom. Though his disobedience was softened by his regard for the king in forbearing to fight in his territories, Edward considered it as being of too great consequence to be left unpunished. As soon as Segrave came back he was taken into custody and brought to his trial. The judges were at a loss to pass sentence upon an affair, concerning which there was no law to direct them. However, after three days consideration, they declared him worthy of death, adding in their sentence, that it should be in the king's power to pardon him. Edward was extremely offended at the boldness of the judges, who seemed to set bounds his prerogative, as if he could not exercise his clemency without their permission, and gave them a severe reprimand. Nevertheless he pardoned Segrave, upon the in-

1305.  
Edward's  
severity to-  
wards Se-  
grave.  
M. West.

<sup>b</sup> About August 15, by Sir John Monteith, his pretended friend, who was bribed by the English. Buchanan, Mat. West.

<sup>c</sup> He was dragged at a horse's tail, August 23, and his head set up on Lon-

don bridge. Mat. West.

<sup>d</sup> Of Scotland, Ibid. Walsing. p. 90.

<sup>e</sup> Sir Nicholas de Segrave. M. West.

<sup>f</sup> He was charged with treason by Sir John de Cromwell. Mat. West.

intercession

tercession of certain lords, who offered to become sureties for his good behaviour <sup>2</sup>.

Commission  
of Trail-  
bâton.  
A.C. Publ.  
tom. ii.  
p. 960.  
M. Watt.  
Walsing.

But this was not the only instance of Edward's severity after his return. He was informed that justice was administered throughout the whole kingdom with great negligence and partiality; that the magistrates suffered themselves to be bribed with presents, and the rich were screened from the rigour of the laws, whilst the poor were exposed to the tyranny and oppression of the great. So great a disorder calling for a speedy and effectual redress, he gave an extraordinary commission to judges, nominated by himself, to go into all the counties, and strictly enquire concerning all offenders, of what rank soever they might be, and empowered them to execute their sentence upon the spot. This commission was called Trail-bâton <sup>3</sup>, a word whose derivation is unknown, concerning which there are several conjectures, too long to be inserted: it suffices to say, in order to give a notion of this extraordinary judicature, it was much the same with what is styled in France, Grand Jours. This severity was a check to those that thought to screen themselves from justice by their credit and riches, and served at the same time to fill the king's coffers with the mulcts and fines of the guilty <sup>4</sup>.

To

<sup>2</sup> Thirty of his peers, girt with swords, offering to be bound body and goods, that he should be forth-coming whensoever the king should require, he was set at liberty, and restored to his possessions, says Matthew of Westminster, who calls him "*Unus de præstantioribus militibus de regno.*"

<sup>3</sup> This old French word signifies to draw a Staff. As for the reason why this commission was so called, it seems to be altogether unknown. Mr. Tyrrell gives this account of it from the Evesham Chronicle. That Chronicle derives it from a certain instrument anciently belonging to shoemakers; where-with they used to beat their apprentices, called a Trayle-baston. The king, in his return from Scotland, was told this story concerning those who then made it a trade to take money to beat other men. A certain wicked person having hired some of those ruffians to beat another man, whom he durst not meddle with himself, they cudgelled him very severely: but he happening to know one of them, found out who it was that had hired them; whereupon desiring them to spare him, he pro-

mised them, if they would give as many blows to him that had set them on work, he would reward them doubly; which they agreed to: accordingly, in their return, they met with the man that first employed them, who asking them whether they had done as he had ordered them, they answered, Yes; and that they were to receive as much more for the like business: so one of them, being a shoemaker, crying out, Trayle-baston! they all fell upon him and cudgelled him twice as much as they did the other. At which story the king at first smiling, was resolved to secure his people for the future from such malefactors, and therefore issued out the foresaid commission. Tyrrell, p. 160. The commission itself is in Rymer's Fœd. tom. ii. p. 960. and dated at Westminster the 6th day of April.

<sup>4</sup> These justices were in a manner the same with the justices in eyre. Their office was to make inquisition through the realm, by the verdict of substantial juries, upon mayors, sheriffs, bailiffs, eccletheators and others, concerning extortion, bribery, and such grievances

To these two instances of severity he added a third, very proper to shew his intention that the laws should be observed without regard to dignity or birth. Prince Edward his son being persuaded by Piers Gaveston, one of his favourites, to commit some outrage against the bishop of Chester<sup>k</sup>, he ordered him to be publicly imprisoned, not suffering his rank to exempt him from justice.

Prince of Wales publicly imprisoned.  
Fabian's Chron.

This proceeding would have doubtless been more agreeable to the English, if what he did shortly after had expressed the same moderation and the same regard for the people. Clement V. native of Bourdeaux, succeeding Boniface VIII. Edward thought he should improve his interest with the new pope, to obtain a dispensation from the oath he had taken with regard to the two charters of liberties. The pope made no scruple to grant him that favour. He supposed, as it appeared in his bull, that the king was forced to take that oath, and that supposition, false as it was, seemed to him a sufficient reason to absolve him from the same. It is pretended Edward purchased this dispensation by a present of gold plate to the pope. The alarm caused by this step in the kingdom was not groundless, since it soon began to be perceived that the king assumed a greater authority than was allowed by the laws and customs of the realm. He even affected to discover his intention, on an occasion where it could not be mistaken. Clement V. granted him a tenth upon the clergy for three years, reserving one half to himself for the occasions of the holy see<sup>l</sup>. The parliament not being able to bear this shameful trade, which tended to impoverish the clergy without any necessity, and to drain the kingdom of money, strenuously

Clement V. absolves the king from his oath to the charters. Act. Pub. tom. ii. p. 978. M. Wells.

Edward acts arbitrarily.

grievances, as intrusions into other men's lands, barretors, and breakers of the peace, etc. For the etymology of the word *Trayle-baton*, see *Spelman's Glossary*.

<sup>k</sup> There was no bishop of Chester till 1540, when that see was erected by king Henry VIII. The person here meant was Walter de Langton bishop of Litchfield and Coventry. *Mat. West.* For Petrus, one of the bishops of this see, removing it to Chester in 1075, it hence came to pass that his successors were many times called bishops of Chester. The outrage committed by the prince against the bishop was, that he, together with Gaveston and other ill companions, had broke down the fences of the bishop's park and killed his deer. *Fabian*.

<sup>l</sup> The pope granted the king a tenth out of all the ecclesiastical benefices in England, for two years, towards the relief of the Holy Land, though it was diverted by the king for his own private occasions. The pope also reserved to himself the first fruits of all the benefices, which continued down to the reign of Henry VIII. who first annexed them to the crown. But (says *Mat. Westminster*) the pope was induced to this through the covetousness of the bishops, who submitted to this innovation, on condition they might enjoy one year's profits of all vacant benefices in their gift. *M. Westm. Tyrrel*. See *Rymer's Fœd.* tom. ii. p. 1026, 1039, 1042, 1051.

opposed

opposed it, and forbid the collectors to levy the tenth. Edward, regardless of the parliament, removed the prohibition by his own authority, and permitted the collectors to proceed. This arbitrary act immediately after the dispensation, made the English apprehensive the king had formed a design upon their liberties; and their apprehensions appeared but too well grounded. But if Edward had any such an intent, the troubles which suddenly broke out afresh in Scotland prevented the execution, and rendered the pope's favour ineffectual.

1305.  
Affairs of  
Scotland.  
Major.  
Buchanan.

Bruce and  
Comyn con-  
trive to free  
their coun-  
try.  
M. Welf.

The Scots, though so often vanquished and as often constrained to swear fealty to Edward, could not innure themselves to his yoke. Robert Bruce, earl of Carric, was one of those that thought they had most reason to complain: not only his father was excluded from the crown, but moreover Edward had now broke his word with him. He promised to place him on the throne in the room of Baliol, but made not the least step towards the performance of his promise. Nevertheless Robert all along served him faithfully, both before and after his father's death, flattering himself perhaps that he would one day accomplish his promise. But his discourse with Wallace, on the day of the battle of Falkirk, and the king's whole behaviour, convincing him that Edward had only his own ends in view, he entertained the generous design of exerting his endeavours to free his country from servitude. At the same time he thought of procuring the crown of Scotland for himself, to which he pretended to have a lawful title, notwithstanding the sentence against the earl his father. John Comyn, surnamed the Red, another Scotch lord of great distinction in Scotland, but however of less credit than Bruce, was, or seemed to be, in the same sentiments, and to have the interest of his country at heart. This conformity caused these two lords to communicate their thoughts to each other, after long sounding one another, without daring to speak their minds. At length both growing bolder, they had several conferences together, wherein they agreed upon means to accomplish their projects. These conferences ended in an agreement containing these two articles: I. That they should act in common to promote Robert Bruce to the crown of Scotland. II. That in consideration of Comyn's services, Bruce should make over to him all his private patrimony, and appoint him his lieutenant general. These measures being taken, Robert came to Edward's court, where it was necessary to gain certain Scotch lords, who were in the interests of that prince.

Mean

Mean time, whether Comyn repented of what he had done or, as some affirm, had contrived this plot on purpose to ensnare Robert, he discovered the whole project to the king: it is said he even sent him the original agreement under both their hands and seals. The king immediately designed to apprehend Robert, but fearing to miss of his accomplices, was contented with narrowly watching him. He hoped to make some fresh discoveries by means of Comyn, to whom Robert communicated by letters whatever he did at court. The king's design could not be so secret but it was perceived by the earl of Gomer<sup>a</sup>, an old friend of the family of Bruce, then at London. This earl knowing Robert was narrowly watched, and not daring by word of mouth to discover so important a secret, sent him a pair of spurs with some pieces of gold, as if he had borrowed them of him. Robert, who was endowed with great penetration, presently found there was some mystery in this pretended restitution of his friend, and concluded he meant by it to advise him to make his escape. In this belief he immediately came to a resolution, and executed it with such address and diligence, that it was impossible to prevent him, and much more to overtake him. As he had communicated his thoughts only to Comyn, he did not doubt but he was betrayed by that treacherous friend. Accordingly, as soon as he came into Scotland, he repaired to Dumfries, where Comyn then was, and meeting him in the church of the Cordeliers, stabbed him with his own hand<sup>a</sup>. This bold stroke, added to the plot he had laid, exposing him to the king's resentment, he saw the necessity of openly declaring himself, well knowing there was no safety for him but in the success of his designs. Whereupon such numbers flocked to him, that he was quickly in condition to go well attended to Scone, where he was solemnly crowned. After which all the people in general sided with him.

It was with extreme vexation that Edward perceived he was mistaken, in imagining he had nothing more to do in Scotland. He would not however give over his first design: but to secure for the future the possession of that kingdom;

<sup>a</sup> Buchanan calls him Comitem Gomeri, though (says Tyrrel) there was no such earl then in England. Tyrrel, vol. iv. p. 168.

<sup>a</sup> January 29. M. West. Buchanan says, as soon as he came into Scotland, he accidentally met a messenger with letters from Comyn to the

king of England, which he seized, and in them found how he had advised him to put Bruce to death. Whereupon he rode to Dumfries, and shewing Comyn the letter, accused him of treachery; but the other denying it, Bruce was so exasperated that he stabbed him in the belly. Lib. viii.

1309. Comyn betrays Bruce. Buchanan. Hec. Boeth. Walsing.

Buchanan.

Bruce escapes to Scotland, and kills Comyn.

Hein. trou. ed king of Scotland.

Edward sends an army into Scotland. A.G. Pub. tom. ii. p. 488.

Bruce's  
great suc-  
cess.  
Buchanan.  
Walsing.

M. West.  
Walsing.

He defeats  
Pembroke,

and takes  
several  
places.  
Buchanan.

Edward re-  
solves ut-  
terly to de-  
stroy Scot-  
land.  
M. West.  
Walsing.

Is taken ill  
at Carlisle.

His last  
words to  
his son.  
Walsing.

M. West.

Notwithstanding Edward's resolution to disable Scotland from ever recovering, the time of that kingdom's deliverance was at hand. God, who was pleased to chastise the Scots, had not decreed the utter destruction of that nation, which was reduced to the last extremity. Edward leaving Scotland, Bruce sallied out of his retreat, and effectually made use of the king's absence, and the sharpness of the winter, which hindered the English troops from acting. He assembled the remains of his dispersed army, and reinforced them with fresh supplies, which the Scotch lords, exasperated at Edward's severity, brought him from all quarters. With these troops he attacked the earl of Pembroke, who commanded in Scotland, and obtained a signal victory, wherein the English general was made prisoner. Then he marched against the earl of Gloucester, who was at the head of another body, and obliged him to retreat to the castle of Aire, which he besieged, though without success. As he was master of the field, and had none to oppose him, he easily took several places, and caused them to be dismantled; as well not to be obliged to leave garrisons, as to prevent the English from fortifying them hereafter.

Edward, surprized at this unexpected revolution, and implacably exasperated against the Scots, resolved to be signally revenged of that nation. To that end, he summoned all the vassals of the crown without exception, to meet him at Carlisle about the middle of the summer, on pain of forfeiting their fees. His intention was to march into the heart of Scotland, and destroy that kingdom from sea to sea, as he had often threatened. But God permitted him not to execute so barbarous a purpose. He was hardly arrived at Carlisle, where he had assembled the finest army England had ever seen, when he was seized by a distemper, which put an end to his days, and all his projects. As soon as he found himself ill, he knew he should die; and whilst his mind was sound, he sent for prince Edward his eldest son<sup>t</sup>, and earnestly recommended to him three things: the first was, vigorously to prosecute the war with Scotland, till he had entirely subdued the Scots. For that purpose, he advised him, to carry along with him his bones at the head of the army, not at all questioning but

for Thomas ten thousand marks; and upon his son Edmund seven thousand marks, in lands and rent. And to his daughter Eleanor, he gave for her portion ten thousand marks, and five thousand marks for cloaths, to be paid in

seven years. Rymer's Fœd. Tom. ii. p. 1019.

<sup>t</sup> Whom he had sent into England, in order to go over and consummate his marriage with Isabella of France. Ibid.

that

that object would daunt the courage of the enemies he had so often vanquished. The second thing he recommended, was to send his heart to the Holy-Land, with thirty-two thousand pounds sterling, which he had provided for the support of the holy sepulchre. The third was, never to recall Gaveston. After these his last orders to his son, he caused himself to be carried by easy journies into Scotland, being desirous to die in a country he thrice conquered. In this manner he advanced as far as the little town of Burgh<sup>a</sup>, where his sickness being increased by a dysentery, he resigned his last breath on the 7th of July, 1307, in the sixty-eighth year of his age, having reigned thirty-four years, seven months, and twenty days. His corps was carried to Waltham, and from thence to Westminster abbey, where it was done over with wax, and laid by Henry his father<sup>w</sup>.

Dies at  
Burgh.  
A. D. Pub.  
ii. p. 1059.  
M. West.  
Walsing.

Thus lived and died Edward the first of that name since the Norman conquest, and the fourth since Egbert. This prince had, doubtless, very noble qualities, and particularly great valour and prudence. He knew how to master his passions, and return to the right way when he had strayed from it; a quality never to be sufficiently commended in a sovereign. When we compare him with his father, his grandfather and his own son his successor, we find he far excelled them all. This comparison, which one can hardly help making, has been so much to his advantage, that the English historians have used the strongest expressions in his encomium, and would have him pass for the greatest prince of his age. A famous writer has not scrupled to say, "That God had pitched his tabernacle in the breast of that monarch." But his whole conduct, with regard to Scotland, does not give of him so advantageous an idea. However, without examining too closely the expressions used by the historians in his praise, it may be said, he was a great king; and that England received considerable advantages from his administration. The

His encomium and character.  
Camden in  
Cumberland.

<sup>a</sup> Upon the Sands in Cumberland, to distinguish it from Burg upon Stannemore in Westmoreland. The memory of Edward's death had been preserved by some great stones rolled upon the place; but in 1685, there was erected a square pillar nine yards, and a half high. On the west side is this inscription; "Memoriae aeternae Edwardi I. Regis Angliae longe clarissimi, qui in belli apparatu contra Scotos occupatus, hic in castris obiit 7 Julii, A. D. 1307."

It was set up by John Aglionby, I.  
Vol. III.

C. at the charge of Henry Howard duke of Norfolk, and made by Thomas Langstone. Camden.

<sup>w</sup> And buried October 18. (M. West. p. 458.) on the north side of the shrine of St. Edward. His sepulchre is composed of five grey marbles, two on the sides, two at the ends, and a fifth covers it, upon the north side whereof are pencilled these words: EDWARDVS PRIMVS SCOTORVM MALIVS HIC EST. 1308. PAC-TVM SERVA.


kingdom,

kingdom, weakened by the ill management of the two preceding kings, was restored to its former splendor, by the abilities of this prince, who knew how to make himself beloved and respected by his subjects, as well as dreaded by his neighbours. The conquest of Wales, in vain attempted by his predecessors, added a great lustre to his reign, and was very beneficial to his kingdom. That of Scotland would no doubt have gained him more honour, had it been entirely finished, since the Scotch historians would have spoken of him in different terms from what they have done, if at the time of their writing they had been English.

He was very personable, and taller than the generality of men by the head. His hair was black, and curled naturally, and his eyes of the same colour, sparkled with uncommon vivacity. He would have been perfectly well shaped, if his legs, which were a little too long, had been in proportion to the rest of his body. Hence he had the surname of Long-Shanks. He joined to his bodily perfections a solid judgment, a great penetration, and a prudent conduct, which very rarely suffered him to make a false step. Besides this he had principles of justice, honour, and honesty, which restrained him from countenancing vice, not only in his most intimate courtiers, but even in his own son. Moreover he was of an exemplary chastity, a virtue very seldom found in sovereign princes. All these noble qualities bred in the hearts of his subjects, a love and esteem, which did not a little contribute to the rendering his reign peaceable at home, whilst his arms were employed abroad. As for the affair of Scotland, it may be said to procure more honour than real advantages to England, since after torrents of blood spilt in that quarrel, the English were constrained in the end to relinquish their project.

Edward had by Eleanor of Castile his first wife four sons and nine daughters<sup>x</sup>. Edward II. his successor was the only

Edward's  
issue.  
first wife,  
Walling-  
Sandford.

<sup>x</sup> Queen Eleanor died, as is related above, note, the 28th of November 1291, at Richard de Weston's house at Hardeby. At the places where her body rested, were erected to her memory goodly crosses, namely, at Lincoln, Grantham, Stanford, Gedding-ton, Northampton, Stony-Stratford, Dunstable, St. Albans, Waltham, and Charing. Her bowels were buried in the cathedral at Lincoln, where the king erected a Cenotaph for her, on which is placed  cog-

per, with an inscription. Her body lies in Westminster abbey, at the feet of Henry III. under a tomb of gray marble, having on the north side the arms of England and Leon and Penthiou, with her figure as large as the life. It is observable, that queen Eleanor bore quarterly, Gules, a castle or; and argent, a lion rampant pure, which were the arms of Ferdinand III. king of Castile and Leon her father, and quartered by him, and were the first two coats that were born quarterly in one



son that survived him<sup>7</sup>. Eleanor his eldest daughter was contracted to Alphonfus king of Arragon; but that prince dying before consummation, she was given to Henry duke of Bar. Joanna, surnamed of Acres, the place of her nativity, was betrothed to Hartman, son of the emperor Rodolpus I. but the death of the young prince preventing their union, she married Gilbert de Clare, earl of Gloucester, and after his death, Ralph de Monthermer<sup>2</sup>. Margaret was wife of John, duke of Brabant: Elizabeth of John earl of Holland, and afterwards of Humphry Bohun earl of Hereford<sup>3</sup>. Berenguela, Alice, Blanche, and Beatrix, died young, or unmarried.

Edward had two sons and one daughter by Margaret of France his second wife, whom he married in the sixtieth year of his age, though she was but eighteen years old. Thomas [de Brotherton]<sup>b</sup> the eldest, was earl of Norfolk, and Marshal of England. Edmund bore the title of earl of Kent<sup>c</sup>. Eleanor the daughter<sup>d</sup> was to have married Otho earl of Burgundy, but she died in her childhood.

We have an uninterrupted series of all the parliaments held in England, from the 22d year of this reign<sup>e</sup>. The constitution of these assemblies, such as it is at this day, was so well settled in this reign, that there was an additional law made to the great charter, whereby it was enacted, that no

By his second wife.

Series of parliaments since his reign.  
Stat. de Tallagio non concess.

one shield, which our king Edward III. next imitated, when he quartered France and England. These arms with those of Ponthieu, viz. Or, three Bentslets Azure, within a Border, Gules, are carved in stone in several places on the cross erected to her memory near Northampton. Sandford's Geneal. p. 129.

<sup>7</sup> John, Henry, and Alphonfus, died young

<sup>2</sup> He was a servant of her first husband. The marriage being done, (in 1296,) without the knowledge of her father, this Ralph was committed to prison, and all those lands and castles formerly made over to the earl Gilbert, and countess Joanna, seized into the king's hands. But by the mediation of Anthony Bec bishop of Durham, peace was made betwixt the king and his daughter, and her new husband, and his lands restored. Not long after Ralph was summoned to parliament by the title of earl of Gloucester and Hereford which he enjoyed till his son-in-law,

Gilbert de Clare, came of age. Afterwards in all parliaments he was summoned as lord Monthermer. By the said Joanna he had two sons, Thomas and Edward. Sir Thomas de Monthermer had an only daughter Margaret, wife of John Montague, by whom she had John Montague earl of Salisbury, from whom the present duke of Montague, the earls of Manchester and Sandwich, and the baron of Halifax derive their original. Sandford's Geneal. p. 142.

<sup>3</sup> Mary was a nun at Ambresbury. See Rymer's Fœd. Tom. ii. in several places.

<sup>b</sup> A small village in Yorkshire, where he was born June 1, 1300. Sandford.

<sup>c</sup> He was born at Woodstock, August 5, 1301. Mat. Westm.

<sup>d</sup> Born at Winchester, May 6, 1306. Id. p. 454.

<sup>e</sup> See Notitia Parliamentaria by Brown Willis Esq. and Mr. Prynne's Brevia Parliamentaria.

tax should be levied upon the people without the consent of the commons.

The title of  
baron limit-  
ed.

It may be further observed, that in this reign the title of Baron, which was common to all that held lands of the crown, was confined to those whom the king summoned to parliament.

THE reader is to observe, that the history of the royal revenue in the foregoing coin-notes, is all matter of fact, taken from the Revenue Rolls and other records, and confirmed by numberless instances by Mr. Madox, in his History of the Exchequer. These rolls (which are kept in the Pipe-Office, and called the Great Rolls) of all the records in the exchequer, justly challenge the pre-eminence, not being inferior even to Domes-day itself. From the very first establishment of the exchequer it was usual every year to make a Great Roll, containing an exact account of all the foregoing branches of the royal revenue, as arising in each county. The Great Rolls of most of the years of Henry II. Richard I. and John, are in being, and, as appears by Madox, might be of admirable use to the English historian and antiquary. The most ancient of these records is the Great Roll, (commonly said to be) of the fifth year of king Stephen. A famous monument of antiquity, (says Madox) whether we consider the hand-writing, or the contents. This Great Roll (or rather bundle) consists of sixteen large rolls, writ on both sides, of about four foot long, (one with another, for they are not of an equal length) and a foot broad. This Great Roll, Mr. Madox proves to belong to some year of Henry I. Prynn says expressly the eighteenth. In order to see the nature of these rolls in general, I shall add here a few instances, relating to the several branches of the royal revenue. N. B. r. c. signifies "reddit compotum" (i.e. accounts for.) "W. de Mandevill comes Essex debet C l. pro relevio suo." M. Rot. 2 Hen. III. Rot. 7. "Petrus de Brus r. c. de c. l. pro relevio suo de baronia quæ fuit patris sui. In the l. et. q. e." (that is, in thesauro liberavit et quietus est) Mag. Rot. 6. Hen. III. Rot. 11. "Odo de dammartin r. c. de D marcis pro habenda custodia filii et terræ Hugonis Fin-cernæ: In thesauro c c marcas et debet c c c marcas." Mag. Rot. 28 Hen. II. "Ricardus Basset et Albericus de Ver. r. c. de Firmo de Sudreia, et de Gretebrugescira et de Huntedonescira: in thesauro cccc & xiii l. & xii xii d. ad pensum." M. Rot. 5. Steph. Rot. 4. "Hamo de Sancto Claro r. c. de Firma Civitas Cole-stræ. In thesauro xxxviii l. & xiv s. & xi d. et debet xxiii s. and x d. Bl." M. Rot. 5 Steph. Rot. 14. "Burgenses de Carlîo r. c. x Marcis pro libertatibus suis habendis." M. Rot. 5 Rich. I. Rot. 5. "Felicia de Winterburn debet tertiam partem de perquisito de xv Marcis pro iustificando Willielmo de Winterburn quod reddat ei xv marcas." M. Rot. 10 Joh. Rot. "Walterus de Canceio r. c. de xv l. ut ducat ad velle suum." M. Rot. 5 Steph. Rot. 3. "Lucia Comitissa Cestriæ debet D. marcas, ne ca-  
piat

“*piat virum infra v annos.*” Ibid. Rot. 12. “*Uxor Hugonis de Nevill dat domino regi ducentas gallinas, eoquod possit jacere una nocte cum domino suo Hugone de Nevill.*” Rot. Fin. 6. Joh. M. 8. d. “*Adam de Tindal debet x marcus pro hadenda seifina Bosi de Langel, qui appellatur wivetelia cum pertinentiis.*” Mag. Rot. 10 J. Rot. 7. Northumb. “*Yvo vir emmæ debet lxs, quia retraxit se de Duello suo die quo debuit pugnare.*” M. Rot. 31 Hen. II. Rot. 5.

I shall proceed now to show the state of the exchequer, from the end of the reign of king John, to the end of the reign of king Edward II. called by Mr. Madox the second period; as from William the Conqueror, to king John's signing the Magna Charta, is, by him, called the first period. It may be observed, that at the beginning of this second period, and for some time afterwards, the exchequer continued in much the same state it was in during the first; bating the change made by the separation of common pleas, from the king's court, and it, (mentioned in a note, p. 287.) It was as before, a great and solemn court, frequented by the king's great officers, and guided for the most part by the ancient rules, assizes and customs. But before the end of Henry III's reign, it fell in great measure from its ancient grandeur, and from thenceforward, continued in a state of declension; inasmuch that about the end of the second period, it was in many respects different from what it had been in former ages. This will appear, by comparing the state of the exchequer, during the first period, with the state of it, during the latter part of the second. In the king's exchequer there still remained the distinction of the two notable terms of the year, called the Duo Saccaria, (see coin-note.) Besides the principal exchequer, there were several inferior receipts or treasuries, that were called by that name. There were exchequers at Durham, Chester, Carlisle, Berwick, and Caernarvon, at which last, the king had his chamberlain, and treasurer; and the writ of summonce was there used for levying the king's debts, arising in those parts. The principal exchequer, when mentioned with any of these, was distinguished by Saccarium de Londonia Westmonasterii, and with reference to the exchequer of the Jews, Magnum Saccarium. The principal times of session were the two terms of Easter, and St. Michael. At which times the process that issued pro rege was returnable, and many acts became necessary to be done there, in consequence thereof. The exchequer was also holden during the other two law-terms of St. Hilary, and of the Trinity. But it seemeth, that the treasurer and barons sometimes sat, if there was occasion, at other times not comprised within the four terms, and sometimes on Sundays. The day of the liberate was counted the time of their rising. In the archieve of Corpus Christi college in Cambridge, there is a manuscript calendar for the use of the auditores compotorum, and others, residing at the exchequer. It is in a hand of about the time of Ed. II. or III. Though the exchequer was generally held at Westminster, during the second period, yet it was sometimes by the king's special command held else-

where. As in the first, so also in the second period, the king, if he pleased, sat and acted in person at the exchequer; king Henry III. did so frequently. From the most ancient times, the persons employed at the king's exchequer, enjoyed several privileges. The records of the first period, relating to this subject, are not so clear and full as those of the second. These records mention the privilege of impleading, and being impleaded in the exchequer only: freedom from toll, for things bought for their own use: freedom from suit to county-courts, hundred-courts, &c. and other privileges. It is also to be understood, that several of the residents at the exchequer had privileges for their clerks and men. There was also a sort of privilege allowed to persons, who were suitors or accomptants at the exchequer; namely, if they were to appear in any inferior court or place, upon a certain day, in case they were that day attending at the exchequer, they were not to be put in default below. The exchequer was a court greatly concerned in the conversation of the prerogatives, as well as the revenue of the crown. It was the care of the treasurer, and barons, and the king's council at the exchequer, to see that the rights of the crown were not invaded by such as claimed liberties or exemptions; and to allow, or disallow, of such liberties as reason and justice should require. It is true, this had some relation to the regal revenue, inasmuch as men were wont to be punished by amercements, seizures, fines, for undue usurpations of liberties, and were obliged or induced to sue for confirmation or improvement of their liberties, if they desired the same. However, many affairs of this nature were wont to be examined and regulated at the exchequer, and therein great care was taken to preserve the rights of the crown inviolate. Upon this ground, probably, it became the usual method for charters of liberties to be read and inrolled at the exchequer. So that commonly, when the king granted or confirmed liberties by his letters patent, a close writ directed to the treasurer and barons, was wont to issue, reciting the substance of such grant or confirmation, and commanding the barons to allow thereof. In a word, the authority and dignity of the court of exchequer was esteemed so great, that the acts thereof were not to be examined or controlled in any other of the king's ordinary courts of justice. The exchequer was a great repository of the king's records. Thither the records of the court holden before the king, of the court of common bench, and of the justices in eyre were brought, to be laid up in the treasury; where they still remain, under the custody of the treasurer and chamberlains of the exchequer. Secondly, of the persons that sat and acted in the exchequer, during this second period. The king's chief justiciary continued at first to preside and act as he had before used to do. Afterwards, when he ceased to preside there, the power of the treasurer increased. Then, the affairs were guided by the treasurer and barons of the exchequer. To them may be added the king's council, whom we often find acting both in the superior court, and in the exchequer; and that men were sometimes summoned to appear before the king's council there, on set days. The next person was  
the

the treasurer. King Henry III. by his charter, granted his treasury of the exchequer of England, to Walter Mauclerc, bishop of Carlisle, to hold during life. Some persons have been inclined to think, the office of the king's treasurer, (or, as we now call it, treasurer of England) and that of treasurer of the exchequer, were in two distinct offices. But in numberless instances, the treasurers during the reigns of Henry III. Edward I. and II. are stiled sometimes the king's treasurer, and sometimes treasurer of the exchequer. It does not appear, what appointment the treasurer in the most ancient times received of the king. In the reign of Henry III. the yearly salary was c marks. The same salary was paid to John Bishop of Ely, treasurer 25 Ed. I. But at that time, the king used to make other provision for the treasurers by some beneficial grant, or ecclesiastical preferment; and so likewise for the chancellors, and other officers, who were ecclesiastical persons. Sometimes there was at the exchequer an officer, called the treasurer's lieutenant. He acted in the treasurer's absence, or if no treasurer, executed the treasurer's office, and was in effect the treasurer's deputy, or vice-treasurer; *Locum tenens*, signifying a deputy, or a person that acts in another's stead. There were lieutenants to several other officers, as to the king's chancellor, earl marshal, sheriffs, etc. After the treasurer, came the chancellor, who seems to have been appointed to be a check upon the treasurer. He took an oath upon entering into his office to this effect: "That he would well and truly serve the king, in his office of chancellor of the exchequer: that he would well and truly do, what appertained to his office: that he would dispatch the king's business before all other: and that he would seal with the exchequer seal, no judicial writ of any other court, besides the exchequer; whilst the chancery (or chancellor) was within twenty miles of the place where the exchequer was holden." *Lib. Rub. Scac. p. 14*. The rest of the persons that sat in the exchequer, were the barons, who were appointed by the king in the following manner: "Rex omnibus ad quos, etc. Sciatis nos concessisse dilecto et fideli nostro magistro Alexandro de Swereford thesaurario Sancti Pauli Londoniæ, quadraginta marcas singulis annis percipiendas ad scaccarium nostrum ad se sustentandum in servitio nostro ad scaccarium ubi residet per præceptum nostrum, donec ei aliter providerimus. In cujus rei testimonium, etc. Teste rege apud Westm. 21<sup>o</sup> die Octobris." *Pat. 18. Hen. III. M. 2*. Again, "Rex mandat Baronibus de Scaccario suo quod constituit dilectum et fidelem suum Johannem de Cobeham, baronem suum ejusdem scaccarii; ita quod officium baronis ibidem exerceat quamdiu sibi placuerit: Et ideo mandat eisdem, quod ipsum Johannem in baronem ejusdem scaccarii ad hoc admittant in forma prædicta. T. meipso apud Westm. 8 die Junii, anno regni quarto." *Trin. Com. 4 Ed. I. Rot. 8. b*. The next coin-note, (which concludes this subject) will treat of, 1. the business. 2. The accounts. 3. The officers of the exchequer, during the second period.



Edward I. is supposed to be the first of our kings that perfectly fixed the standard of our coin. In the third year of his reign says an old leidger book of the abbey of St. Edmundsbury, the matter was thus ordered by Gregory Rockley, then mayor of London, and mint-master: that in a pound of money there should be eleven ounces two-pence farthing, pure leaf silver, and only seventeen-pence half-pence farthing alloy; and this pound was to weigh twenty shillings and three pence in account, each ounce, twenty pence, and every penny, twenty four grains and a half. In 28 Edw. I. an indented tryal-piece of the goodness of old sterling, was lodged in the exchequer, and every pound weight troy of such silver was to be shorn at twenty shillings three pence, according to which the value of the silver in the coin was one shilling eight pence farthing an ounce. This king sent for foreign mint-masters, (namely, William de Furnemire and others from Marseilles, and one Frefcobald, and his companions from Florence) in the eighteenth year of his reign, to inform him of the manner of making and forging money, which is said to be thus: first, the silver was cast from the melting-pot into long bars; those bars were cut with sheers into square pieces of exact weights; then with the tongs and hammer they were forged into a round shape, after which they were blanched or made white by boiling, and afterwards stamped with a hammer to make them perfect money. For the coining his money, (as it is reported in the additions to the Red Book of the exchequer, which are not of equal credit with the book itself) the mint-masters had thirty furnaces at London, eight at Canterbury, (besides three the archbishop had there) twelve at Bristol, twelve at York, and more in other great towns, in all which places the same hammered money of silver, supplied by the king's changers, who according to certain rates prescribed them, took in the clipped, rounded, and counterfeited monies to be recoined, bought gold and silver of the merchants to be fabricated into new monies; at the same time it was ordained, "*Quod proclametur per totum regnum quod nulla fiat tonsura de nova moneta sub periculo vite et membrorum, et amissionis omnium terrarum et tenementorum,*" etc. And this hammered money continued through all the reigns of succeeding kings and queens, till about the year 1663. There are no indentures with the mint-masters, by which one can certainly judge of the proportion of the fineness and alloy, to be observed in the fabrication of the monies till the reign of Edward III. as will be seen hereafter. The size of the coin was not, probably, altered by Edward I. the penny being supposed

posed to have been the only current money of England. This prince was the first that used Dominus Hiberniæ constantly upon his money, which was never wanting in his, nor in Edward II's, nor in Edward III's coins, but was afterwards left out, nor is there any more mention of Ireland upon the silver money till Henry VIII. He likewise left out the scepter, which appears no more upon the small money till Henry VIII. nor upon the large till queen Elizabeth's crown and half crown, and the name of the mint-master on the reverse, instead of which he put the place of mintage. He was likewise the first that forbid the use of broken money. But it is difficult to distinguish the money of this king from Edward II. because the face, style, weight, and reverse, are alike. But a learned antiquary, (the archbishop of York) ascribes those with the three first letters, EDW. to Edward I. because of the plenty thereof, for Edward I. is known to have coined much more money than his son, and also from the mintage at Dublin, set up by this Edward, which has always EDW. From whence it is to be concluded; that all belong to him that have this inscription: EDW. R. ANG. DNS. HYB. The king full-faced, and crowned with an open crown of three Fleur-de-lis, with two rays, or lesser flowers, not raised so high; the cross composed of a single line, pretty broad, and continued to the outer rim; three pellets in each quarter, circumscribed with the place of coinage, viz. London, Canterbury, (see fig. 1.) VILLA KINGESTON, Durham, Newcastle, Berwick, Lincoln, Exeter, Bristol, VILLA, SCI. EDMUNDI. Likewise his Irish money, the head in a triangle, CIVITAS DUBLINIE. (see Fig. 2.) Also Waterford and Cork, which shows there was more than one mint in Ireland. He is reported, (but says Nicholson, falsely) to have ordered the minting of groats. J. Speed pretends to give a cutt of one, but he is supposed to be mistaken. The most remarkable corruptions of the coin are found in ancient records to be in this reign, when there was imported a sort of light money, with a mitre, another with a lion, a third of copper blanchet, to resemble the money of England, a fourth like that of king Edward, a fifth plated, known by the names of Crocards, Pollards, Staldings, Eagles, Leonines, and Steepings. And the merchants to avoid the search at Dover and Sandwich, concealed the parcels in bails of cloth, and brought them in by other ports. "Les queux choses si elles fussent long tems soefferts, (says the "Red Book) elles mettereynt la monye d'Anglitere a rienk." And the chiefeft remedies then applied were: 1. To cry down all money that was not of England, Ireland, or Scotland. 2. That such as arrived from beyond seas, should show the money they brought with them to the king's officers. 3. And not to hide it in fardels, upon pain of forfeiture. 4. That the light and clipt money, might be bored through without contradiction. 5. And that the same should be received and paid by weight, at a certain rate, and that the persons having such money, should bring it to the king's changers, who as well as the masters of the mint, had several offices erected in divers parts of the kingdom, whose principal business was

born. To all this some add an uncommon valour. If he had been less beloved by the king, he would have made a more lasting, though not so considerable, a fortune; but the affection of his prince inspired him with a pride which proved his destruction. He would govern the state with an absolute sway, without sharing his power with any person whatever; hardly vouchsafing so much as to use the king's name. His external accomplishments, which shone with great lustre, rendered him so proud and insolent, that he thought himself above all the great men, though by his vices and debaucheries he degraded himself below the very meanest. The chief means he used to gain Edward's affection, was a blind condescension to his desires, without examining whether they were virtuous or vicious. When once he came to have an influence over him, his only care was to indulge him in his pleasures, to which that prince was too much addicted. What then could be expected from the strict union of two such persons, but a scandalous licentiousness at court, and an entire decay of the public affairs? an unexperienced and mean-spirited minister, who minded nothing but trifles, diversions, balls, banquets, and some still less innocent pleasures, was little capable of governing so large a kingdom. It was not long before the nation experienced the fatal effect of so ill a choice.

The bishop  
of Litchfield  
imprisoned.  
A. C. Pub.  
iii. p. 11.  
Walsing.

Gaveston's return was immediately followed by the disgrace of Langton bishop of Litchfield, and high treasurer. Edward hated that prelate mortally, for having been the principal promoter of Gaveston's banishment. As soon as he came to the crown, he confined him in Wallingford castle, and would not suffer any person to speak in his favour. It was not but upon the pressing instances or rather threats of the pope, that he freed him again after a long confinement. To this violence he added the removal of all his father's officers and domestics, without vouchsafing to advise with his council.

1308.  
The king's  
marriage  
A. C. Pub.  
iii. p. 56.  
Walsing.

The beginnings of this reign being very unpromising, the chief lords thought betimes of checking the impetuosity and capricious temper of their prince. But these thoughts were interrupted by the celebration of his nuptials. The king his father had contracted him to Isabella of France, daughter of Philip the Fair, and had charged him when dying, to consummate the marriage as soon as possible. This was the only thing wherein he made haste to obey him. Neglecting therefore the war with Scotland, which was no less necessary, he repaired to Boulogne, where the king of France staid for him, to deliver his daughter into his hands. Never was wed-

ding



ding more magnificent. There were present four kings and four queens, besides a great number of princes and princesses, lords and ladies, who made the most numerous assembly of nobles that had been seen a great while<sup>1</sup>.

Though Edward's voyage was very short, it failed not to produce ill effects. Upon leaving England, he was so weak as to appoint his favourite guardian of the realm; with power to dispose of all vacant places and benefices, wardships of young nobles, and in short, to act in all things with an unlimited authority<sup>k</sup>. So many favors added to the great presents he had made him before his departure into Guienne, his country<sup>l</sup>, roused the jealousy of the barons. They carried their resentment so far, that they combined together to hinder the king's coronation, the day whereof was now fixed. Edward not being able to break so powerful a league, where almost all the lords of the realm were concerned, chose to prevent the consequences by fair means. He gave his word to the barons, that in the next parliament he would grant whatever they could reasonably desire. This promise satisfied them. But they were extremely troubled to see Gaveston commissioned to carry the crown of St. Edward, with which the king was to be crowned; an honour that, by ancient custom, belonged to the princes of the blood. This preference provoked the lords to the last degree against the favorite, and withal filled them with indignation against the king, who seemed to glory in his fondness for a man odious to the whole nation. The coronation however was solemnized without opposition; the bishop of Winchester performing the ceremony, by order of the archbishop of Canterbury, who was out of the kingdom. The form of the coronation-oath was as follows.

Gaveston made guardian in the king's absence.

Act. Pub. iii. p. 47, 53. Walsing. p. 96.

Barons league against the king.

Edward promises to satisfy them. Walsing.

Act. Pub. iii. p. 63.

Act. Pub. Ibid.

<sup>i</sup> The marriage was celebrated Jan. 25. There were present the kings of France, Navarre, Almain, and Sicily, with the queen Mary of France, Margaret dowager of England, and the queen of Navarre. Isabella was but between twelve and thirteen years of age. Walsing.

<sup>k</sup> The king's patent bears date December 26, at Westminster. This act shews the error of most historians, particularly, sir Thomas de la Moor, father Orleans, Speed, the annotator upon Daniel's history, Dr. Howel, etc. who all say Gaveston was with the king at the celebration of his nuptials. Whereas he

was then in England, as appears from several orders in the *Fœdera*, signed by him in the king's absence, with the subscription *Teste Gaveston*. Multitudes of such mistakes are rectified in *Rapin* by means of the *Fœdera*.

<sup>l</sup> Walter Hemingford says, the king bestowed upon him all the money hoarded up by the late king, which amounted to a hundred thousand pounds. Besides this, Gaveston had the confidence, through the king's indulgence, to take the treasure and jewels of the crown, and send them beyond sea for his own use. Tytrel, p. 225. Walsingham.

The coronation-oath.

Bishop of Winchester. "Sir, Will you keep and confirm  
" by your oath to the people of England, the laws established  
" by the pious kings your predecessors, and particularly, the  
" laws, customs, liberties granted to the clergy and people  
" by the glorious St. Edward your predecessor?"

King. "I will and promise it."

Bishop. "Sir, Will you preserve to God, to holy church,  
" to the clergy and people, the peace of God, fully and to  
" the utmost of your power?"

King. "I will."

Bishop. "Sir, Will your cause to be observed in all your  
" judgments, right and justice with discretion, in mercy  
" and in truth, as far as you are able?"

Bishop. "Sir, Will you promise to keep, and cause to be  
" kept, the laws and statutes that the community of your  
" kingdom shall judge fit to enact, and will you defend and  
" protect them to the utmost of your power?"

King. "I do promise it."

As this is the first perfect copy of a coronation-oath in the English history, it will not be amiss to remark the advantage gained by the people upon the royal authority, since the establishment of Magna Charta. It manifestly appears by the oath, that, far from supposing the great charter to be the original title of the privileges granted by king John to the people of England, it was considered only as a confirmation of the ancient liberties of the nation. Upon this supposition, Edward II. was made to swear, he would observe the laws of St. Edward, which were no other than those of the Anglo-Saxons; lest by causing him to swear to keep the great charter, there might be room to imagine, the privileges of the people were founded on the concessions of the kings. I do not know whether Edward I. took the same oath, or whether it was first introduced at the coronation of Edward II.

The king forgets his promise.

Gaveston's imprudent conduct.  
J. Trakelaw

The solemnity was no sooner over, but Edward forgot his promise to the lords: he still continued his favour to Gaveston, and left him, as before, absolute master of his own and the kingdom's affairs. Gaveston, for his part, far from endeavouring to lay the impending storm, affected to govern with an arbitrary sway, without vouchsafing to ask any man's advice. He used his influence over his master, to divert him from the thoughts of prosecuting the war with Scotland, which the king his father had so earnestly enjoined him, and whereof his subjects impatiently waited the issue, in order to be eased  
of

of the burden. Instead of inspiring the king with the love of glory and virtue, he filled the court with libertines, buffoons, and parasites, and the like pernicious instruments, proper to corrupt his inclinations, though they had been naturally as good as they were bad. To this he added a ridiculous vanity of affecting to wear the king's jewels, and the crown itself, which Edward freely permitted. The king's weakness grew to that height, that he was heard to say, if his power was equal to his affection, he would set the crown on Gaveston's head. As that was not practicable, he resolved at least <sup>Walsing.</sup> to raise him as near the throne as possible, by giving him his niece, sister of the earl of Gloucester, in marriage<sup>m</sup>.

Every fresh favour granted to Gaveston by the king, increased the hatred of the lords. Hardly would an Englishman, raised to so high a station, have been endured, much less a private Gascon gentleman, in whom they discovered no other merit than a handsome face, an easy shape, and a quick wit, very agreeable in conversation, but little proper to govern a state. They plainly saw, it was in vain to press the king to part with this favorite, and that he would never consent to their request, unless he was forced. In this belief, instead of amusing themselves with persuading Edward by reasons, which would have been fruitless, they drew into their league the members of the parliament which was to meet, and accordingly did meet in May 1308<sup>n</sup>. By the management of the lords, Gaveston's banishment became the chief, or rather the sole business of the session. The two houses being united in the same design, demanded of the king, in so strong and positive a manner, that Gaveston should be banished, that he durst not oppose it. He was afraid his refusal would deprive him of the aids he expected for the continuation of the war with Scotland, and perhaps dreaded something worse. Therefore, without any fruitless disputes, he ordered letters patents to be drawn up, promising to cause Gaveston to depart the realm before St. John Baptist's day next ensuing. Mean time, instead of acting so as to give room to believe he de-

Hatred of the lords against Gaveston.

Walsing.

The parliament petition Gaveston's banishment.

The king promises it. Act. Pub. iii. p. 80. Walsing.

<sup>m</sup> Margaret. Upon this marriage the king bestowed upon him the honours of Tickle and Berkhamsted, the castles and manors of Skipton, in Yorkshire; High Pen, Derbyshire; Cockermouth, Cumberland; Torpel and Upton, Northamptonshire; Carebrook, in the Isle of Wight, with divers other lands. He also granted him lands in Guienne, to the value of three thousand marks a

year. Tyrrel. Rymer's Fœd. tom. iii. p. 49, 87.

<sup>n</sup> They met at Ware, and from thence went to Northampton, and issued out summons to the rest of the barons to come thither to a treaty or council, concerning the great affairs of the kingdom. So the king having no forces to oppose them, was forced to summon a parliament, to meet fifteen days after. Chron. St. August.

signed

He defers  
his promises  
Act. Pub.  
iii. p. 90, 91.

signed to perform his promise, he every day heaped new favours on Gaveston. Fifteen days after his engagement, he made him a grant of three thousand marks a year in land. This conduct clearly shewing, he was by no means resolved to part with his favourite, the archbishop of Canterbury, who had leagued with the barons, though he lay under great obligations to the king, excommunicated Gaveston, in case he did not leave the realm by the time prescribed him. Edward little regarding this censure, only intreated the pope to annul it. At the same time he wrote to the king of France, his brother-in-law, to desire him to procure an agreement between him and the barons, and so to manage as he might keep his favourite.

p. 167.  
p. 89.

Gaveston  
made governor  
of Ire-  
land.  
p. 93.  
Knighton.

These measures were neither just nor early enough. The lords finding the appointed time for Gaveston's departure drew nigh, were so urgent with the king to oblige him to keep his word, that he durst not refuse it. However, in performing his promise, he found means to give his favourite a fresh mark of his affection, by making him governor of Ireland, with a very extensive authority. This removal, how honourable soever it was, failed not to give some satisfaction to the lords, who hoped to take advantage of his absence to ruin him. But he himself was not at all pleased. Besides, that the change of England for Ireland appeared to him very disadvantageous, he was sensible his absence from court could not but prove fatal to him. As he was absolute master of the king, hardly was he arrived in Ireland, when he caused himself to be recalled, under pretence of assisting at a tournament to be held at Wallingford. The magnificence wherewith he appeared on that occasion, and the great number of foreigners that attended him, and served him for guards, greatly increased the jealousy of the lords, who saw themselves thus braved. To this kind of insult he added the indiscretion of jesting upon the earls of Lancaster, Warwick, Warren, and Hereford, which would have induced them to be revenged, though they had no other reason to complain. He called the earl of Lancaster, stage-player; the earl of Pembroke, Joseph the Jew; the earl of Warwick, the wild boar of Ardenne; and so to each of his enemies he gave nicknames to make them ridiculous, or to discover their faults. The lords seeing themselves insulted by the favourite, and deceived by the king, met together to concert means to oblige

1309.  
He is re-  
called.  
Walsing.

and insults  
the lords.  
Walsing.  
p. 94.

1310.  
Address of  
the lords,

o Walsingham says, Gaveston went out of the kingdom, and the king ordered him to be seized if he came into his dominions; but he lurked about in Flanders, and returned to England before Christmas.

Edward

Edward to perform his word. Quickly after, they presented a petition to him<sup>2</sup>, setting forth, that the state and his own household were so ill managed, that it was absolutely necessary to find means to prevent the consequences of this disorder. They added the only proper method, as they thought, was, for the king to leave to certain lords appointed by the parliament, the care of making a regulation for the well-governing the kingdom and his own domestic affairs<sup>3</sup>. Edward had already given great signs of weakness in his regard for their former demands. He had made them sensible, that if, for the future, they shewed resolution, he would not have the courage to resist. They were not mistaken in their conjectures. This prince, as timorous on certain occasions as haughty on others, was uncapable of discerning when he should give way, and when stand his ground. Accordingly, he took precisely the contrary to what he should have done. Instead of complying with the barons, when they first petitioned for Gaveston's removal, he obstinately persisted in retaining him against all the rules of policy. Afterwards, far from opposing to the utmost of his power, the motion of placing the government in other hands than his own, and instead of running all hazards rather than give his consent, he believed it expedient to yield to their importunity. Without considering the consequence of a condescension so pernicious to his authority and quiet, he permitted the parliament to chuse seven bishops, eight earls, and six barons, to make the proposed regulation<sup>4</sup>.

They propose hard terms.  
Brady's Ap.  
No 50.  
Walsing.

To which the king consents.  
A&C. Pub.  
iii. p. 202;  
204, 220.

In consequence of the king's consent, the lords having finished the regulation, presented the plan to the king, who approved it, and gave them power to cause it to be observed for one year. It contained but six articles, whereof the two principal were: "That the king should not dispose of any part of his revenues; which should for the future be expended in paying his debts, and maintaining his household, that he might live on his own income, without taking any thing from others: That the great charter should be punc-

The new regulation of the government.  
A&C. Pub.  
iii. p. 221.  
Brady's Ap.  
No 52.

<sup>2</sup> In a parliament held at London in January. Walsing. p. 97. Brady says, it was in a parliament held August 10. Cl. 4 Edw. II. m. 1. Dors. This parliament was continued or prorogued till the beginning of November. Cl. 5 Ed. II. m. 25. Dors.

<sup>3</sup> The most full and particular account of this whole transaction is in Brady's Hist. vol. iii. p. 102—119, and Appendix, No. 50, &c.

<sup>4</sup> They were the archbishop of Canterbury, the bishops of London, Salisbury, Chichester, Norwich, St. David's, and Landaff: the earls of Gloucester, Lancaster, Lincoln, Hereford, Pembroke, Richmond, Warwick, Arundel: and these barons, Hugh de Ver, William le Marshal, Robert Fitz Roger, Hugh Courtney, William Martin, John de Grey. Brady, p. 103.

The king continues his favours to Gaveston. Aft. Pub. iii. p. 225, 226.

1311.

"tually kept; and in case any article should be obscure or doubtful, it should belong to the lords elected (who were styled Ordainers) to explain it." There was nothing inserted concerning Gaveston's banishment. Probably, the barons were of opinion, there was no danger from that favorite, so long as the government was in their hands. Nevertheless, when they afterwards saw the king continue to heap favours on him, and without asking their advice, had made him governor of Nottingham, and warden of the forests on this side the Trent, they drew up one and forty new articles, to which the king was forced to assent. By one of these articles, Gaveston was expressly sentenced to perpetual banishment.

Gaveston is banished.

p. 278, 279, 259.

Edward having thus suffered himself to be bound with fetters which he could not shake off, resolved, though with extreme regret, to part with Gaveston. However, to save him the shame of being banished, he gave him an imaginary commission to levy troops in Guienne, for the assistance of the earl of Foix, who had been at variance with the court of France, but the dispute was now at an end.

1312.

The king recalls him. Aft. Pub. iii. p. 258.

Gaveston's banishment was of no long continuance: Edward, who could not live without him, disregarding the articles he had lately signed, recalled him without acquainting the Ordainers. Shortly after he sent circular letters to the sheriffs, to give them notice thereof, and to justify what he had done. He told them, that being bound by his coronation oath to see the laws put in execution, there was no authority that could absolve him therefrom: that Gaveston being banished by a notorious violence, and without a legal sentence, he could not deprive him of the benefit of the law, to which all his subjects were intitled: that therefore he had caused him to return into the kingdom, not with design to screen him from justice, but that he might be tried according to the usual form: that in the mean time he considered him as a good and faithful subject, and ordered them to publish this declaration in their respective jurisdictions.

The barons stir up the people against the king. Walsing.

The lords were not much displeased that the king by this proceeding, had furnished them with a pretence to complete the ruin of a favorite, who could not be torn from him without violence. In order to open a way to their end, they endeavoured to gain the people by exclaiming against the king's conduct. They said publicly there was no depending upon what was enacted by the parliament, since the king disregarded it. That it was easy to see, the king was aiming at an arbitrary power, and the whole nation was equally concerned

to

To oppose the growth of a power, which tended to render the subjects so many slaves. These discourses, being supported by their emissaries among the people, began to create an universal discontent, of which the king had but too much reason to tread the consequences. He imagined, he should be able to prevent them by publishing a proclamation, protesting it was his intention to observe the one and forty articles. But as he had violated one of the principal in recalling his favorite, his protestation produced no effect.

Mean time, Gaveston, still more indiscreet than his master, instead of appeasing his enemies by his modest behaviour, daily grew more proud and arrogant. He acted as if he had nothing to fear, or as if he was ignorant of the barons designs. He had even the boldness to speak insolently to the queen; who not being able to obtain any satisfaction, complained to the king her father. She told him, that Gaveston was the sole cause of her misfortunes; and her husband's fondness for that unworthy favorite, alienated his affections from her, and made him an entire stranger to his bed. This complaint has made some suspect, that the familiarity between the king and Gaveston was of a very criminal nature. But perhaps their suspicions are carried too far.

Mean while the barons kept their first design in view: there were among them persons of great abilities, who knew how dangerous it is, on these occasions, to act by halves; and that if such enterprizes are not brought to an issue, they seldom fail to ruin the authors. Lacy earl of Lincoln, was one of the most considerable of the party, as well for his birth and high offices, as for his age and experience. As he was confined to his bed by a distemper, which in all appearance would lay him in his grave, he was apprehensive, that after his death the confederates would give way, and wanted to prevent that accident, which would have occasioned their ruin. To that end, having sent for his son-in-law, the earl of Lancaster, grandson of Henry III. "he conjured him in the strongest  
"and most moving terms, not to abandon the church and  
"people of England to the mercy of the popes and kings. He  
"told him, his birth obliged him to endeavour to free the  
"kingdom from oppression: he charged him to have always  
"a great regard for the king; but withal he added, that his  
"regard ought not to hinder him from doing all that lay in  
"his power, to remove from the king's person the foreign  
"ministers and favourites: that honour, conscience, the public good, called upon him to procure the observance of the  
"great charter, the only basis of the welfare and peace of the  
"kingdom.

Insolent behaviour of Gaveston, particularly to the queen. Walsing.

The earl of Lincoln's advice to the earl of Lancaster. Walsing. An. 1312. p. 100.

Walsing.

Confederacy  
of the lords.

" kingdom. In conclusion, he advised him to join heartily  
" with the earl of Warwick", who among all the confede-  
" rate lords was best able to carry on the important under-  
" taking." It was not long before the effects of this advice  
were seen. The earl of Lancaster entering into a strict con-  
federacy with the earls of Warwick, Pembroke, Arundel,  
Hereford, Warren, the archbishop of Canterbury, and several  
other bishops and barons, they unanimously resolved to take  
up arms, under the usual pretence of defending the rights of  
the church and state.

They chose  
the earl of  
Lancaster  
general.  
Walsing.

The earl of Lancaster was chosen general of the intended  
army, an honour which could not be refused to his merit,  
though no regard had been paid to his quality<sup>1</sup>. Immediately  
after this resolution was taken, all the confederate barons dis-  
persing themselves into the several counties, publicly levied  
troops. They used such expedition, that in a short time their  
forces were assembled at the appointed rendezvous. It was  
impossible for Edward to be ignorant of these preparations :  
and yet as if he was unconcerned, he took no notice of them.

Indolence of  
the king.  
A.G. Pub.  
iii. p. 304.  
308, 310.

Instead of thinking of means to satisfy the incensed barons, or  
to defend himself against their insults, he minded nothing  
but his diversions at York, where he was then with Gaveston.

p. 310.

His only care was to heap new favours on his minion, re-  
maining in a surprising indolence, whilst he saw the whole  
kingdom ready to rise against him. He seemed to affect con-  
tinually to act contrary to his real interests, and to neglect to  
take such measures, as a person of an ordinary understanding  
might have pointed out to him. At the very time that he saw  
the barons in arms, to compel him to observe the one and  
forty articles, he wilfully violated one of the principal, in  
making the bishop of Litchfield high treasurer without the  
consent of the Ordainers<sup>2</sup>. But this was not the only error  
he committed. As if he had been in a condition to give law  
to the barons, he would have reformed at the same time the  
regulation, on pretence he had reserved to himself the power  
of altering, with the advice of the Ordainers, some articles pre-  
judicial to his prerogative. It was easy to see this was no

He has a  
mind to re-  
form the re-  
gulation.  
Ibid.

p. 310, 337.

<sup>1</sup> Guy de Beauchamp.

<sup>2</sup> He was son to prince Edmund son  
of Henry III. and earl of Lancaster,  
Leicester, and Ferrers, and in right of  
his wife, of Lincoln and Salisbury.  
Besides he had a great estate in York-  
shire, Cumberland, and Wales, and  
was earl of Artois in Picardy, and con-

sequently the greatest subject in the  
kingdom. Walsingham.

<sup>3</sup> The bishop was thereupon excom-  
municated by the archbishop of Canter-  
bury; but the king solicited the pope  
to absolve him from that sentence. See  
Rymer's Fed. Tom. iii. p. 322.



proper season for that work. And yet he nominated on his part commissioners to make the alterations.

The barons had then other designs. After drawing all their forces together, they marched directly for York, thinking to surprize the king, whose indolence gave them room to hope every thing. But upon the first notice of their approach, he retired to Newcastle, where they followed him without loss of time. That town not seeming to him strong enough, he shut himself up in Scarborough castle, which he deemed his best fortress in the North. He began then to see his error in deferring so long to prepare for his defence: but it was too late to think of it. However, in spite of the improbability of succeeding, he resolved to go into Warwickshire; where he expected to raise an army, upon the vain hopes, that the people would come and lift under his banner. But as he was more concerned for Gaveston than himself, he left him behind at Scarborough, recommending him to the care of the governor as a precious trust, and a sure pledge of the confidence he placed in him.

The barons rise, and the king retires to Scarborough with Gaveston. Act. Pub. iii. p. 327. Walsing.

Whilst Edward was taking his too late measures, the barons who entered Newcastle the very day he departed, seized what was left in their haste by the king and his favorite. In Gaveston's baggage were found many jewels, belonging for the most part to the crown, of which an inventory was taken, that an account might be given of them hereafter. As soon as the earl of Lancaster was informed of the king's departure from Scarborough, and his leaving Gaveston there, he sent the earls of Pembroke and Warren to besiege that castle. At the same time, he marched with the rest of the army towards the center of the kingdom, in order to have it more in his power to oppose the designs of the king. The two detached earls advancing towards Scarborough without opposition, formed the siege, and carried it on with great vigour. Though the place was one of the strongest in the kingdom, it was so ill-provided with necessaries for its defence, that in a few days Gaveston was forced to deliver himself into the hands of his enemies. He obtained however a sort of capitulation, whereby it was promised him that he should speak with the king, and be tried by his peers.

The barons seize the king's and Gaveston's equipage at Newcastle. Walsing.

They besiege Scarborough. Act. Pub. iii. p. 327. 329. 333. 334.

Gaveston surrenders. Walsing.

As soon as Edward heard of his favourite's being taken, he earnestly solicited his liberty, or that at least he might see and speak with him according to promise. Above all, he conjured the confederate lords to spare the prisoner's life, assuring them, on that condition, he would give them entire satisfaction concerning their grievances. Most of the barons were against

The earl of Pembroke takes upon him to carry Gaveston to the king. Walsing.

The birth  
of prince  
Edward.  
A.C. Pub.  
iii. p. 358.

Whilst the negociation was in hand, the queen brought into the world, in November 1313, a prince christened Edward.

The barons  
publicly beg  
the king's  
pardon.  
Walsing.

The publishing of the general pardons, as well for the confederate barons as for Gaveston's friends, having at length restored peace in the kingdom, the parliament granted the king a considerable subsidy towards a vigorous prosecution of the war with Scotland. Before the parliament broke up, the barons publicly begged the king's pardon in Westminster-hall, before all the people. This was done in a very solemn manner. The barons speaking to the king, used the most humble and submissive terms, as if the pardon he had granted them was the pure effect of his clemency. After that, they returned to their homes, satisfied in appearance, but however without ceasing to distrust the king. They had too highly offended him, to hope he would ever forget it. The death of the earl of Warwick, which happened soon after, increased their mistrust, as he was believed to be poisoned.

Ibid. p. 303.

Affairs of  
Scotland.

Whilst England endured violent shocks by the weakness and little genius of her governor, Scotland daily grew stronger, by the prudent conduct of a courageous and vigilant king, who wisely improved the repose procured by the death of Edward I. Robert Bruce, who may justly be called the restorer of the Scotch monarchy, politically suppressed the factions which divided his subjects, and united them all in the design of shaking off the yoke of servitude. By this happy union, he was in a condition not only recover the best part of his country, but also to carry his arms into England. I am now going to relate the particulars of the Scotch war, which I could not, without confusion, intermix with the relation of the domestic troubles in England.

War with  
Scotland.

Edward I. resolved utterly to destroy Scotland, and probably would have reduced the kingdom to a wretched condition, if death had not snatched him out of the world very opportunely for the Scots. Robert Bruce was preparing to take advantage of the consternation of the English, occasioned by the loss of Edward: but a fit of sickness seizing him at the same time, hindered his entering upon action. Mean while the Scots, who knew not yet the character of Edward II. were in great perplexity, their king being dangerously ill, and their forces much inferior to those of their enemies. Edward II's sudden resolution to return into England, after advancing as far as Dumfries, and striking terror into the whole kingdom, gave them room to entertain better hopes. His impatience to meet Gaveston, to marry the princess designed for

An. S. Aug.  
Walsing.

for

for him, and to be crowned, expelled all thoughts of war, to which he had no inclination. So, leaving his army under the conduct of John Comyn a Scotch lord, he returned into England<sup>7</sup>. His abrupt departure caused great murmurs in the army and kingdom. People could not without astonishment behold him, relinquishing the conquest of Scotland, at a time when the number and ardor of his troops, and king Robert's illness, seemed to warrant him a glorious campaign. His chusing Comyn to command the army was no less disliked. This general was a Scot, and though of the opposite party to Robert, and his particular enemy, his being a foreigner was alone sufficient to offend the English, who thought themselves dishonoured by the preference. What happened quickly after, shewed their complaints were not groundless. Comyn, willing to take advantage of Robert's illness, whom he thought incapable of heading his troops, advanced in order to attack the Scots. Though Robert still found himself extremely weak, he believed he ought not to decline fighting. At such a juncture, a retreat might have disheartened his subjects, and occasioned the loss of his whole kingdom. In this resolution, having mounted his horse, supported by two esquires, he drew up his army, and expected the enemies with a steadiness that produced a wonderful effect. The English imagined, this little army would never dare to stand before them. But when by the good posture of the Scots, they found themselves disappointed, their courage began so to cool, that hardly could they be brought to begin the fight. So weak an attack, and so ill seconded, inspiring the Scots with fresh courage, they fell with great fury upon their enemies, and put them entirely to rout. The defeat was the more dishonourable to the English, as, besides their being superior in number, they were the same troops that had so frequently vanquished the Scots, and now suffered themselves to be beaten by an army levied in haste, and consisting of undisciplined soldiers. Comyn retiring into England after his defeat, Robert entered the county of Argyle, which still belonged to the English, and ravaged it all over. Shortly after, Edward Bruce, his brother, gave the English another defeat, in the county of Galloway. These two victories gained the Scots such a superiority, that they began from

Æt. Rob.  
iii. p. 94.

Battle  
gained by  
the Scots.

Chron.  
Lanerc.  
Another by  
Edward  
Bruce.

<sup>7</sup> The earl of Pembroke surrendering his commission of guardian of Scotland, it was confirmed, September 13, 1307, on John earl of Bretagne; who, raising a Irish army, marched against

the Scots, and defeated them about November 11. So Robert Bruce was forced to fly into the high lands. Chron. de Lanerc. Rymer's Fed. Tom. iii. 7, 10.

thenceforward

thenceforward to despise the English, and forget their past losses.

Edward  
marches  
against  
Scotland,  
Buchanan.

and returns  
without do-  
ing any  
thing.

Robert  
makes great  
progress.  
Buchanan.  
Chron.  
Lanec.

How little inclination soever Edward had for war, he could not avoid endeavouring to stop the progress of the king of Scotland. In 1308, that is, in the second year of his reign, he led in person a powerful army into that kingdom. But as he had taken no care for provisions, depending upon what he expected to find in the enemy's country, he was obliged to march back his army into England for want of subsistence. Robert, more provident than he, had carried away, or destroyed whatever might serve to maintain the enemies troops. Edward's retreat gave the king of Scotland an opportunity to become master of several places in possession of the English, and to make that year a very prosperous campaign. The troubles which afterwards happened in England on account of Gaveston, enabled that prince to make a still greater progress. In 1310 and 1311, he entered England twice, and carried off a great booty. In 1312 he recovered Perth, Lanerick, Dumfries, Roxborough; and lastly, Edinborough castle, which was taken by storm by the earl of Murray his general. This year the isle of Man voluntarily submitted to him.

Robert  
besieges  
Sterling.  
A.G. Pub.  
iii. p. 481.  
The town  
capitulates.  
Buchanan.

Whilst Robert continued his conquests, Edward, wholly employed in seeking means to be revenged on the barons, for putting Gaveston to death, was surprisingly negligent with regard to Scotland. Instead of hastening an agreement with the lords, in order to unite all his forces, he prolonged the negotiation, by a policy very pernicious to the affairs of the state. Mean time, Robert took advantage of the negligence of the English. After making himself master of all the places Edward I. possessed in Scotland, except Sterling, he sent, in 1313, his brother Edward to besiege that town, the strongest then in Scotland. The siege was carried on very vigorously; but the besieged made as brave a defence. However, [Philip] Mowbray, the governor of the place, finding his master made no preparations to relieve him, thought to do him good service in signing a capitulation, whereby he promised to surrender the town in a year, if it were not relieved by that time.

Edward having sufficient time to prepare, and desiring at any rate to prevent the loss of so important a place, summoned all his vassals to meet him with their troops. The English, Gascons, and Welsh, were so ready to obey him, that by June 1314, he saw himself at the head of a hundred thousand men. The soldiers already devoured in their imagination, whatever the former ravages of Edward I. had left in

1314.  
Edward le-  
vies an army  
of a hundred  
thousand  
men.  
Walsing.  
Trotkelow.

in Scotland. Only the earls of Lancaster, Arundel, Hereford, and the new earl of Warwick, refused, on this occasion, to serve the king, their mistrust of him not permitting them to put themselves in his power.

This numerous army entering Scotland, advanced within view of Sterling. Robert expected them at the head of thirty thousand men, inured to the fatigues of war, and who had frequently worsted the English. He drew up his army on an advantageous ground, where he could not be surrounded. A mountain full of inaccessible rocks, covered one of his flanks, and the other was secured by a deep morass. How great soever the inequality of these two armies might be, the Scots being determined to conquer or die, received their enemies with that vigour and resolution, that they soon put this numerous army into confusion. The English horse being pressed at first, with a fury they could not withstand, were the occasion by their flight, of the defeat of the whole army, a defeat the most terrible England had ever endured since the beginning of the monarchy<sup>7</sup>. The Scotch writers mount the enemies loss to fifty thousand men. They pretend, the number of the prisoners taken on this occasion exceeded that of the conquerors. The earl of Gloucester, nephew of Edward II. with many other lords of distinction<sup>8</sup>, and above seven hundred knights, lay dead on the field of battle. The English reduce the number of the slain to ten thousand. But the consequences of the action discover that their loss was much greater, since from that time they ventured no more to take the field.

Edward, with the remains of his army, hastily retreated, without thinking himself out of danger till he was at York, where the dispersed fugitives came to him<sup>9</sup>. He formed a very considerable body, with which he shewed a desire to re-enter the enemies country, and hazard another battle. But the consternation of his troops was so great, that he could

<sup>7</sup> This battle was fought on the 25th of June 1314, by the river Banockbourn. It is said, that the Scots had digged trenches three foot deep, and as many broad; into which, being covered over with hurdles, and drove full of sharp stakes, the English horse fell, and by that means were miserably slaughtered. T. de la Moor.

<sup>8</sup> The lords Robert de Clyfforde, Pagan Typtote, William Marescall, Giles de Argenton, Edmond de Maule, &c. There were slain and taken pri-

soners, of earls, barons, baronets, and knights, one hundred and fifty-four in all, according to Walsing. 105. T. de la Moore, p. 594.

<sup>9</sup> Here he held a parliament, which sat from August 15, till Michaelmas. In this it was agreed to exchange the lady of Robert Bruce for Humphrey de Bohun earl of Hereford; and the bishop of Glasgou, and earl of Marr, were exchanged for other noblemen, Rymer's Fœd. temp. iii. p. 489.

not prevail with them to endeavour to retrieve their honour. This battle, called the Battle of Banockbourn, procured the Scots, besides an inestimable booty, a peace which lasted several years. They acquired so great a superiority, that the English, far from being able to recover what they had lost in Scotland, were long forced to see their borders ravaged, without daring to make any resistance. Their terror was so great, that one of their historians affirms, three Scotch soldiers were sufficient to put a hundred Englishmen to flight, so much were they discouraged by this terrible defeat.

**Walsing.**  
**Ed. p. 106.**  
**An impostor**  
**pretends to**  
**be Edward,**  
**and is**  
**hanged.**  
**Higden.**  
**Walsing.**

Whilst fortune strove on all occasions to humble Edward, an impostor, John Deydras, a tanner's son of Exeter, sought to take his crown from him, by maintaining that he was himself Edward, and changed at nurse. So extraordinary and ill-formed a project served only to bring the impostor to the gallows, instead of a throne. Without doubt he built his hopes upon the little esteem the English had for their king, having probably imagined it would not be difficult to make them believe he was not the son of Edward I. who had none but noble and generous inclinations. But it was not this vile instrument, which providence was pleased to use, to ruin Edward, though in some measure this event may be considered as a sort of preface of what was to happen.

**1315.**  
**Great**  
**famine.**

The loss sustained by the English in Scotland, was followed by a dreadful famine, which lasted three years, and destroyed an infinite number of people. In vain did the parliament endeavour to help it by settling the price of provisions: They were forced to revoke the next year the act that had been passed on that account<sup>b</sup>. But neither war nor famine, nor the murmurs of the people, could hinder the king from expending a large sum in celebrating the funeral of his favourite, whose body was removed to King's Langley in Hertfordshire. He would honour the funeral with his presence, attended by the archbishop of Canterbury, and some other bishops. But the barons positively refused to assist at

**Walsing.**  
**p. 106.**

<sup>b</sup> It was enacted and proclaimed, by order of the parliament, which met on January the 10th, That the best ox not fed with grain, should be sold for sixteen shillings and no more: and if he were fed with corn, then for twenty four shillings at most; the best live fat cow for twelve shillings; a fat hog of two years old for three shillings and four-pence; a fat weather, or mutton unborn, for twenty-pence, and shorn

for fourteen-pence; a fat goose for two-pence halfpenny; a fat capon for two-pence; a fat hen for one penny; two chickens for one penny and twenty four eggs for one penny; and those that would not sell these things so, were to forfeit them to the king. — This parliament granted the king a twentieth part of their goods; which when it came to be raised, occasioned disturbances in Staffordshire and Shropshire.

the obsequies of a man so odious to them, and whom they deemed unworthy of the honour done to his memory.

Mean time the famine raged in so terrible a manner that one can hardly credit what historians say of it\*. They are not content with telling us, that the most loathed animals were used for food; but what is much more horrible, people were forced to hide their children with all imaginable care, to prevent their being stolen and eaten by thieves. They assure us that men themselves took precautions to hinder their being murdered in private places, knowing there were but too many instances that some had been served in that manner, to feed such as could find no other subsistence. We are told likewise, that the prisoners in the gaols devoured one another in a barbarous manner, the extreme scarcity of provisions not permitting their being allowed necessary food. The bloody flux, caused by gross feeding, compleated the misery of the English. Such numbers died every day, that hardly could the living suffice to bury the dead. The only remedy that could be found against the famine, but which was insufficient, was to prohibit on pain of death, the brewing any beer, that the corn usually expended that way, might serve to make bread†.

1316.  
The famine  
increases.  
Walsing.

Notwithstanding these calamities, which should have turned their thoughts to repentance, the mutual enmity which the king and the barons had long harboured in their breasts, daily increased. It was impossible but this violent hatred should in the end produce very fatal effects. Edward, not forgetting the injuries he had received, entertained a strong desire of revenge, which made him seek all possible means to gratify it. He was chiefly exasperated against the earl of Lancaster, whom he looked upon as the sole author of his disgraces, and his most dangerous enemy. Had the earl's life been in his power, he would not probably have spared it.

1317.  
Injury done  
the earl of  
Lancaster.

\* A quarter of wheat, beans, or peas, was sold for twenty shillings; of malt for thirteen shillings and fourpence; and of salt for thirty-five shillings, Walsing.

† January 28, a parliament was held at Lincoln, which granted the king, in aid of his war with Scotland, one stout footman out of every town in the kingdom, except cities and burghs, and the king's demesns; which footmen were to be armed and furnished with bows, arrows, slings, lances, &c. at the charge of the towns, and other expences to be paid, till they came at the place of rendezvous, and their wages for sixty

days after and no longer, if the king's service required it, at fourpence a day; the king promising, that this grant should be no precedent for the future, Rymer's Fed. tom. iii. p. 748. The same day, the king summoned the militia to be at Newcastle upon Tyne fifteen days after Midsummer. And the parliament granted the king for this war, a fifteenth part of all the moveables. Rot. Parl. 9 Edw. 2. N. 1. Walsing. p. 107. There was another parliament after Easter. Id. p. 108. This year was born at Eltham, August 15, John, the king's second son. Id.

But

## THE HISTORY

But as his dissimulation had not been capable of drawing him into any snare, finding he could not reach his person, he attempted to deprive him of his estate and honour. To that purpose he involved him in an affair which the greatest mistrust could not have prevented.

His wife is taken away and given to another. Walsing.

Whilst the earl kept at a distance from court, a certain knight, called Sir Richard St. Martin, a man of mean look, and dwarfish stature, presented to the judges a petition, claiming the wife of the earl of Lancaster, heiress of the families of Lincoln and Salisbury\*. He set forth in his petition, that he had carnally known her, and that she had made him a promise of marriage, before she was contracted to the earl. The countess, dissatisfied with her husband, having, to her eternal shame, confessed the fact, was adjudged with all her estate, to the unworthy claimant. This affair, which would have required a long examination, was so hastily decided, that it was easy to see the judges were gained before-hand, and the king himself had been a promoter of the process. An injury of this nature to a prince of the blood royal, greatly beloved by the people, raised an extreme indignation against the king. Nothing was every where heard but murmurings against his government. As he had then no favourite to bear the blame, it was all cast on himself, and people said, publicly, never was the throne of England filled by a prince so unworthy to rule a free nation. There were even some who took the liberty to upbraid him to his face for his ill conduct. Upon a certain holiday, Edward dining in public in Westminster-hall, a woman in a mask came on horseback and delivered him a letter. The king imagining it contained something to divert him, ordered it to be read aloud. But he was much surprized to hear outrageous reproaches for his cowardice, tyranny, and all the grievances introduced in his reign. The woman being apprehended, confessed we was bribed by a certain knight to play that part; and the knight boldly maintained, That believing the king would read the letter in private, he thought it the properest way to let him know the complaints of his subjects.

Murmurings against the king.

His conduct ripped up in a letter. Walsing.

1318. The barons complain of several grievances.

Whilst England was reduced to extreme desolation, Edward, without troubling himself about the ravages the Scots continued to make on the borders, minded only how to humble the barons, who began to form new projects, the consequences whereof he had reason to fear. They had lately presented to him a petition, containing a long list of griev-

\* The historian speaks, as if that ill favoured knight had stolen her away.



since, of which they demanded a speedy redress. Nothing was farther from his thoughts than to reform abuses. However, as he durst not openly discover his intentions, he had referred the matter to the parliament which was to meet at Lincoln. A Scottish invasion at the same time afforded him an excuse to prorogue the parliament several times, and at length to dissolve it. This proceeding so incensed the barons, that with one consent they resolved to take up arms, to obtain by force the satisfaction they required. They would have doubtless extremely distressed this weak prince, incapable of governing himself at so nice a juncture, if some lords of more moderation had not joined with the pope's legate, to promote a reconciliation. These mediators obtained of the king, that for the satisfaction of the confederate barons, he should admit a certain number of them into his council, and promise to do nothing without their advice. The earl of Lancaster was to be one: but as he could not trust the king, it was agreed he should nominate a baron or knight to supply his place<sup>f</sup>. Moreover, Edward promised to grant a pardon, without any restrictions, to the earl of Lancaster, for all that was passed. This agreement was made and signed at Leek, on the 9th of August 1318, and confirmed three days after by the parliament, called upon the pressing instances of the mediators. After this affair was ended, the king and the earl of Lancaster meeting on a plain near Leicester, embraced and kissed one another in token of a perfect reconciliation. Let us now return to the war with Scotland, which still continued during the troubles in England.

After Robert's obtaining near Sterling that signal victory which proved so fatal to the English, he pursued the vanquished into England, where he committed prodigious ravages, whilst Edward durst not stir from York to oppose him. The king of Scotland, not satisfied with this advantage, projected the conquest of Ireland. This island had long been governed by English officers, who were more careful to enrich themselves than to promote the public good. Their arbitrary proceedings had bred among the Irish so great and universal a discontent, that they wanted only a favourable opportunity to revolt. The defeat of the English army before Sterling, giving them reason to believe, the present juncture was very

<sup>f</sup> Walsingham says, that a knight was taken near Pontefract, with a blank charter under the king's great seal, and other letters under his privy-seal, offering the king of Scots what conditions

he pleased, provided he would procure the death of the earl of Lancaster. This knight was brought to the earl, who ordered him to be hanged, p. 110.

Walsing.  
Act. Pub.  
iii. p. 696,  
732.  
He calls and  
dissolves a  
parliament.

Agreement  
between the  
king and  
the barons.  
Walsing.  
De la Moor.

Act. Pub.  
iii. p. 729,  
733.

The king of  
Scotland  
ravages  
England.  
Has a design  
upon Ireland  
Walsing.  
Ch. Lxxv.

He sends  
Edward his  
brother  
thither  
Act. Pub.  
iii. p. 596.  
Walsing.

Who is de-  
clared and  
lain.  
Walsing.

The king  
of Scotland  
prepar'd to  
besiege  
Berwick.

proper to execute their design, they sent word to the king of Scotland, that they were ready to cast off the English yoke, provided he would give them assistance. Robert took care not to lose so fair an opportunity to become master of the island, or at least to make there a powerful diversion. He sent thither some troops under the command of his brother Edward, who heading the rebels, conquered the best part of the island, and was even acknowledged for king. Whilst he was carrying on his conquests, Robert amused the king of England with proposals of peace, which he seemed to do with sincerity, but artfully raised from time to time difficulties, which hindered matters from being concluded. This proceeding lasted till 1317, without Edward's perceiving his enemy's artifices. His little penetration would even have made him entirely lose Ireland, had he not been roused by the murmurs of the people. The prejudice England might receive by the loss of that island was so manifest, and the consequences so plainly laid before him, that at length he resolved to send thither a powerful supply, under the conduct of Mortimer. With this aid the English that were in Ireland, finding themselves able to take the field, marched to attack the Scotch prince. Mean while, the king of Scotland, receiving intelligence how much his brother stood in need of a speedy relief, went himself into Ireland. But upon his arrival, he heard his brother was defeated and slain in a battle wherein he had rashly engaged <sup>1</sup>. Robert's loss on that occasion breaking all his measures, and disabling him from continuing the war in that country, he thought it more proper to go and improve the advantages lately gained by his arms in Scotland. In his absence, Douglas, one of his generals, had defeated the army sent by Edward, to take advantage of Robert's being in Ireland.

This fresh victory, which put it out of the power of the English to withstand the Scots, inspired Robert with the thoughts of improving it, by laying siege to Berwick, which was still in the hands of the English. He could not make his preparations without Edward's knowledge. But his knowing it was to little purpose, since he had neither money nor troops sufficient to prevent his enemy's designs. His subjects were so averse to him, that he could not expect to procure either a timely or powerful aid. And supposing he could have expected it, he plainly saw the parliament would make

<sup>1</sup> He was taken and beheaded at Dundalk; and five thousand eight hundred Scots were slain, besides several noblemen. The archbishop of Dublin was general of the English forces.

Walsing.

him pay dear for the subsidy they should grant <sup>a</sup>. In this extremity he turned to the pope, and earnestly intreated him to interpose his authority, to procure him a peace, or at least a truce with Scotland. John XXII. who had lately succeeded Clement V. immediately granted Edward's request. He looked upon this as a very favourable opportunity, to extend his power over crowned heads. Accordingly he took upon him to make peace between Edward and Robert, not as a mediator, but as sovereign arbiter, and by virtue of his apostolical authority. To that end, he sent two legates into England, with a power, which shewed that he thought himself invested with sovereign authority over all kings, even in temporal affairs. Their commission ran, that they were to make peace between the two contending nations in what manner they pleased, and to compel both princes to accept it, on pain of excommunication, and an interdict upon their dominions. But as he judged such a peace could not be made without some debate, which would take up time, he ordered his legates to publish a two years truce in his name, and by his authority; and gave them power to excommunicate those that refused to observe it.

The legates; furnished with so large and extraordinary a power, came into England, and immediately caused the truce to be proclaimed. Edward paid an implicit obedience to it, not considering he thereby sacrificed to the court of Rome the most authentic prerogatives of the crown. It was not the same with Robert. Under pretence that the pope and his legates gave him not the title of king, he would never permit the legates to enter Scotland, much less to proclaim the truce there. He even treated very roughly the superior of the Cordeliers of Berwick, sent to him by the legates, who using surprise, was so bold as to publish the truce in the presence of several Scots. Instead therefore of obeying the pope, he besieged and took Berwick by the treachery of the governor <sup>1</sup>, if the English are to be credited. The contempt for the pope's orders, obliged the legates to excommunicate him, and put his kingdom under an interdict. But he did not much regard a censure so manifestly unjust to him, and so

<sup>a</sup> 1319.  
Edward applies to the pope.  
Walsing.  
Ch. Lanerc.

who pretends to force Robert to make peace.  
De la M.  
Aët. Pub.  
iii. p. 594.  
611, 613,  
620, 655,  
657, 707.

His legates publish a truce.

Aët. Pub.  
iii. p. 792.  
Robert besieges Berwick.  
Walsing.  
He is excommunicated.  
Aët. Pub.  
iii.

<sup>a</sup> This year a parliament was held at Leicester on June 24, wherein the king granted, that the ordinances made by the Lords Ordainers should be observed. There was another parliament at London, about Michaelmas, in which it was ordained, that every city and town in England should find so many

men to assist the king against the Scots; London maintained two hundred; Canterbury, forty; St. Alban's, ten, &c. Walsing. p. 111.

<sup>1</sup> Peter Spalding, who it seems was afterwards hanged by king Robert. Walsing.

very partial to the English. Therefore continuing his progress, he advanced on the borders of England, and committed great ravages, without meeting any opposition <sup>k</sup>.

Edward  
besieges  
Berwick.  
Ch. Lanerc.  
Walsing.

Edward found then, that the spiritual weapons of the pope were but of little service. So, on a sudden altering his conduct, he found means to raise an army, with which he would go and attempt the recovery of Berwick. Whilst he was employed in the siege, the earl of Murray, the king of Scotland's general, made a diversion in England, which proved

The militia  
of Yorkshire  
defeated.

very fatal to the borderers. In his return from ravaging several counties, he met a body of English militia the number of ten thousand, with the archbishop of York at their head. Though his forces were not so near numerous as those of his enemies, he courageously charged them, and obtained over these undisciplined troops a victory which destroyed above half. The Scots called this action The White Battle, from some English priests being killed in the fight with their surplices on. This accident obliged Edward to raise the siege of Berwick. Shortly after, with much sollicitation, he obtained a truce for two years; whereupon he left the North, and returned to London, where he was no less unfortunate.

A truce for  
two years.  
A. & Pub.  
iii. p. 809.  
Walsing.

Promotion  
of the Spencers,  
father  
and son.

The truce restored not to England the expected tranquillity: hardly was it proclaimed, before the kingdom was involved in fresh troubles, much more violent than those caused by Gaveston. The enmity between the king and the barons was still kept alive, like fire under cinders, and only wanted a fresh occasion to rekindle. Unhappily, an occasion was but too ready <sup>l</sup>. The lords, ever jealous of those about the king's person, had introduced into court a young gentleman, Hugh Spencer, whom they believed entirely devoted to their interests. They had procured him the office of chamberlain, with a design to make use of him as a spy, in order to be informed of what passed at court, where they seldom appeared: but

<sup>k</sup> They took the castle of Weare, Harbottle, and Middelton; and plundered and burnt North-Allerton, Burroughs, Scarborough, Skipton, &c. Chron. Lanerc. Walsing.

<sup>l</sup> The king called a great council at Northampton on August 1, wherein it was agreed, that a standing council of certain bishops, earls, and barons should constantly remain with the king to advise him in all matters of public concern, till the next parliament. This council was to consist of the bishops of Norwich, Chichester, Ely, Salisbury, St. David's, Carlisle, Hereford, and

Worcester; the earls of Pembroke, Richmond, Hereford, and Arundel; Sir Hugh de Courtney, Sir Roger de Mortimer, Sir John de Segrave, Sir John de Grey, and one of the bannerets of the earl of Lancaster. See Rymer's Fœd. tom. iii. p. 722, &c. The parliament here mentioned met at York, three weeks after Michaelmas. See Brady's App. N° 61. There was another parliament this year soon after Easter, in which the clergy granted the king a tenth for one year, with the pope's leave. A. Mosym.

their

their project turned against themselves. Spencer had a father named Hugh as well as himself, a person of courage and good sense, who gave him quite contrary instructions. He intimated to him, it would be much more easy to make his fortune by labouring directly for himself, than by serving the barons; and with a little patience and obsequiousness, he might render himself superior to those, whom he looked upon as his protectors. Spencer the son, being inclined to follow this advice, found at first great difficulties. The king could not behold with a good eye, a domestic who had already shown too great an inclination for his enemies. Nevertheless in time, and by the prudent counsels of his father, Spencer removed by degrees, the ill impressions his master had taken against him. As his design was to govern the king entirely, he scrupled not to become for some time his slave, by showing on all occasions, that he was wholly devoted to him. By this blind obsequiousness, and by a general compliance to whatever was agreeable to him, from his spy, he became his confident, and at length supplied in his heart the place formerly possessed by Gaveston. When he saw himself in high favour, he made an ill use of it, like his predecessors; and by his excessive pride and insatiable avarice, made it soon wished, that Gaveston had not been oppressed. Hugh his father, whom he had caused to be created earl of Winchester<sup>m</sup>, had been till then of a quite different character. Nothing could be laid to his charge unbecoming a man of honour and honesty. In all the posts he had been promoted to, by this and the late king, he had always behaved with great moderation, prudence, and impartiality: but he knew not how to preserve the reputation he had acquired. A blind fondness for his son, and ambition, which had seized him in his old age, threw him into those excesses, which rendered both him and his son odious to the nation, and particularly to the barons. It was not long before an universal discontent became visible. The earl of Lancaster, a great favourite of the people, and a sworn enemy to the king, notwithstanding their outward reconciliation, had improved these junctures, to form a party capable of ruining the two favourites<sup>n</sup>.

De la M.  
Spencer,  
the father,  
made earl of  
Winchester.  
His cha-  
racter.

Lancaster  
sets up the  
lords against  
the Spencers.  
Walsing.

<sup>m</sup> He was not created so till 1322.  
See Walsing.

<sup>n</sup> The occasion of this confederacy against the Spencers, was this: William de Brews, a baron, proposing to sell part of his estate, called Gowerland, first agreed for it with the earl of Hereford, who offered to be the purchaser; but Hugh Spencer, the younger, obtained

the king's licence, it being holden of the king in Capite, and bought it out of the earl of Hereford's hands; who being highly provoked at this affront, complained to the earl of Lancaster, and they two engaging a great number of the barons in their interests, entered into a confederacy against the Spencers. Walsing. p. 113.

He had demonstrated to his friends, "That their ruin and his own were infallible, if means were not found to remove the Spencers from court. That the king, who harboured a secret desire of revenge, was indeed incapable of managing a design; but that every thing was to be feared from that prince, assisted by his two new ministers, of much greater abilities than Gaveston. He added, these ministers were no less guilty than the other, of divers encroachments on the privileges of the people; and that all the endeavours hitherto used, to reduce the royal authority within due bounds, would be fruitless, if the king was suffered to return to his former courses, and trample upon the liberties of the subject." These reasons alledged, by a prince, who passed for a disinterested and zealous assertor of the public good, and joined to the envy raised by the advancement of the Spencers, caused so sudden an effect, that the old association was renewed. As the confederate barons<sup>o</sup> had every thing to fear from the abilities of the ministers, they lost no time, which was so precious, in presenting to the king petitions, as they had done concerning Gaveston. Such a conduct could only have given their enemies leisure to prepare: and therefore, without discovering their intentions, they resolved to levy troops with all possible secrecy, and to surprize the king and his favorites, before they had time to take any measures. The design was executed with that expedition, that in a very short space, they drew together eleven thousand men, with whom they ventured to take the field. Their first exploit was to plunder the lands of the Spencers, which was left to the care of Roger Mortimer the Younger, so called to distinguish him from his uncle of the same name. He discharged his commission in so violent a manner, and with so little regard for the favorites, that he did them in a few days threescore thousand pound damage. This done, the barons sent some of their body<sup>p</sup> to present a petition to the king, desiring the removal of the Spencers<sup>q</sup>. Edward perceiving it was not in his power to curb their boldness, referred the matter to the parliament. He did not question, but he should have interest enough with the commons, to protect the two ministers: but the barons resolution to continue in

1320.

They re-  
new their  
league, and  
take up  
arms.  
Act. Pub.  
iii. p. 378.  
Walsing.  
Knighton.

Ibid.

Ibid.

<sup>o</sup> Who these confederate barons were, see in Rymer's Fed. tom. iii. p. 363, 983. The form of their confederacy in Tyrrel and Brady, p. 28.

<sup>p</sup> It was sent by the bishops of London, Salisbury, Ely, Hereford, and Chester, who were come to the confede-

rate barons at St. Albans to procure an accommodation. Walsing.

<sup>q</sup> What articles were exhibited against them in this petition, see in Tyrrel and Brady, they being too long to be inserted here.

arms, broke all his measures. Several members of parliament being at the devotion of the lords, others awed by the army, and all in general having too little value for the Spencers to run any hazard for their sake, the two favorites were banished the realm, without the king being able to screen them. This parliament was called. The Parliament of the white Bands, on account of certain white marks, by which the adherents of the barons were to know one another. Whatever endeavours the king used to oppose the those violent proceedings, he found himself forced to give way to a torrent, which he could not withstand. Spencer, the father, being then out of the realm upon the king's affairs, the sort was ignominiously conducted to Dover, where he was shipped off with great threats, if ever he pretended to set foot in the kingdom again.

The Spencers banished.  
[de] Act. Pub.  
iii. p. 891.

Edward highly resented the affront, and swore to be revenged : but perhaps means would have been found to appease him, if the queen, who on the like occasions used to act the mediatrix between the king and the barons, had not ceased doing them that good office. Instead of endeavouring to assuage the king's anger, she took care to excite him to vengeance, being provoked at an affront she lately received from a baron, and of whom she cast the blame upon the whole party. The occasion of her resentment was this :

1321.

Walsing.

Whilst Edward was thus incensed against the barons, Isabella, designing to go in pilgrimage to Canterbury, sent some of her domestics before, to provide lodgings in Ledse castle, belonging to Bartholomew de Badlesmere, one of the associated barons. As the whole party were then in extreme distrust of the king, the officer who commanded in the castle, denied the queen's people admittance : there was even one of them killed. So far was Badlesmere from disclaiming what was done, upon complaint made to him, that he had the boldness to write to the queen a very insolent letter, expressly approving of what had passed. It was very difficult for that prince, who was haughty and revengeful, not to resent such an affront. As she plainly saw the union of the barons was the sole cause of Badlesmere's insolence, she thought the readiest way to revenge, would be to break their association. The king waited patiently for a favourable opportunity to exercise his vengeance ; but a woman's revenge can bear no delay. The queen, in her resolution of spurring on Edward, persuaded him, that the present juncture was very favourable to free himself from the power of the barons : that by immediately punishing the governor of Ledes as he deserved, he

Affront done the queen by one of the confederate barons.  
De la M.

Act. Pub.  
iii. p. 897.  
Walsing.

She stirs up the king to a revenge.

The king issues a proclamation.  
Act. Pub.  
iii. p. 898.

He levies  
troops, and  
takes the  
castle of  
Ledes.

would strike such a terror into the barons, that they would not think even of standing upon their defence, when they should see him sword in hand, and able to compel them to return to their allegiance, Edward relishing this advice, gave orders for levying troops. But for fear of any obstacle, and in order to remove the people's apprehensions, who began to be alarmed at these levies, he issued out a proclamation, protesting, he did not take up arms against his subjects, but only to punish the insolence of a private person. The proclamation producing a good effect among the people, and the barons not thinking they should engage the kingdom in a civil war for the sake of a single officer, the king raised an army without opposition. When his troops were ready to march, he went immediately and besieged Ledes-castle, and taking it, ordered the governor, with some other inferior officers, to be hanged. This success causing him to forget his protestation, he made use of his arms to take vengeance on his enemies. To that end, he besieged some other castles belonging to the barons, and particularly Warwick, which he became master of with the same ease. When he thought himself sufficiently formidable, he recalled Spencer the son, who since his banishment had turned pyrate, particularly against the English.

He recalls  
Spencer.  
Act. Pub.  
iii. p. 907.  
The barons  
in a wretched  
condition  
Ibid.

Edward continuing his progress, after the return of his favorite, put the associated barons into the utmost consternation, who were not prepared for their defence. They would have been glad, on this occasion, of the queen's assistance: but she was too much incensed against them to stand their friend. In this ill situation, they saw themselves exposed to the fury of their enemies, who spared them not. Mean while the king, by his sole authority, revoked the sentence of banishment against the Spencers, and recalled the father, as he had already done the son. The king's diligence so embarrassed the barons, that they knew not what course to take. His army was in the center of the kingdom, ready to attack the boldest. The people, as it usually happens on such occasions, joined with the strongest, for fear of being oppressed before the barons were able to protect them. In this extremity, most of the associated barons wisely chose to throw themselves upon the king's mercy. As for those who refused to follow their example, many were taken and executed, some fled for refuge beyond sea, and others were shut up in several prisons. Among the prisoners was Roger Mortimer, junior, whom the Spencers closely confined in the Tower, but who doubtless would not

Spencer the  
father recalled,  
Act. Pub.  
iii. p. 907.

Several barons submit,  
others are  
punished.  
Act. Pub.  
iii. p. 927.  
Walsing.  
Mortimer.  
Imprisoned.  
Walsing.  
Knighton.

† Thomas Culpeper. Walsing.

have



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have met with so favourable a treatment, had not his life been saved by a powerful intercession.

The earl of Lancaster's faction being extremely weakened 1322. by the defection, flight, imprisonment, or death of his adherents, the earl with what few troops he could assemble, saw himself constrained to retire into the North. He had nothing to depend upon but the protection of the Scots, who promised him succours; but he was obliged to go and join them. The

Lancaster goes towards Scotland. Walsing.

rout he took, and some intercepted letters, discovered his intention to the king. To prevent it, he ordered Sir Andrew Harcla, governor of Carlisle, to draw together what troops he could, and obstruct the earl's passage, or at least to amuse him whilst he should follow him in person with his army. However expeditious the earl of Lancaster was, and whatever care he took to retard the king's march, by destroying the country behind him, he was obliged, after passing the Trent over Burton-bridge, to halt, in order to oppose the passage of the army which pursued him. But Edward retiring, to pass at another place, the earl resolved to stand his ground. Nevertheless,

Is pursued by the king. A & Pub. iii. p. 927. &c.

whether through scruple, or fear of the king's superior forces, he suddenly altered his mind. In hopes of freeing himself from these straits, he advanced to Burrow-bridge, where ran another river, which afforded no other passage but over a bridge defended by Harcla. In this extremity, he was under a necessity either of fighting the king, who closely pursued him, or of attempting to force the pass, before the royal army came up. He chose the latter, and, without loss of time, ordered the bridge to be attacked. The vigorous resistance of the enemy, the death of the earl of Hereford, slain in the beginning of the fight, and the dread of being surprized by the king, who was advancing, so daunted Lancaster's troops, that instead of continuing the attack, they took to flight, and dispersed themselves in the country. Harcla, perceiving the disorder, speedily passed the bridge, and pursued the runaways, of whom he took great numbers prisoners. The earl of Lancaster, who endeavoured in vain to rally his men, staying too long in hopes of succeeding, could not avoid the misfortune of being taken himself, with ninety-five knights, and conducted to the castle of Pontefract. This unfortunate prince saw himself exposed to the insults of the soldiers, who in deri-

Lancaster attacks a bridge defended by Harcla. Knighton. Walsing.

He is taken prisoner. De la M. Walsing.

¶ Robert de Holande had promised to bring him a reinforcement, but disappointed him, which was the cause of his defeat. Knighton.

† Humphry de Bohun, who married

Elizabeth, daughter of Edward I. and widow of the earl of Holland. He is said to be thrust through the belly by a Welsh soldier from under the bridge through a chink. Knighton.

A. & Pub.  
iii. p. 936.  
&c.

and behead-  
ed.  
Id. p. 936.  
Walsing.

Badlesmere  
and others  
are executed

The Spen-  
cers become  
odious.

1323.  
Edward's  
expedition  
into Scot-  
land.  
Buchanan,  
Walsing.  
Knighton.  
De la M.

Is obliged to  
retire.

tion called him king Arthur, from his using that name in the intercepted letters. But this was not the most rigorous part of his punishment. A few days after, the king being come to Pontefract, ordered him to be arraigned in the hall of the castle, before a small number of peers<sup>u</sup> who attended him, among whom were the two Spencers. By this little assembly was the earl condemned to be drawn, hanged, and quartered for a traitor. But out of regard to his birth, the king was pleased to save him the infamy of that punishment, and only ordered him to be beheaded<sup>v</sup>. Nine other lords of his party were sentenced to the same punishment, and executed at York. The lord Badlesmere, the author of the war, and four other barons, suffered the like death at London, Windsor, Canterbury, and Gloucester, for a terror to the kingdom. Never since the Norman conquest, had the scaffolds been drenched with so much English blood, as upon this occasion<sup>x</sup>. These inhuman proceedings were ascribed to the Spencers, who thereby rendered themselves extremely odious to all, and bred in the hearts of the nobility a desire of revenge, which was but too fully satisfied in the end<sup>y</sup>.

Edward imagined, that this success against his subjects, could not but render him formidable to the Scots. In this belief, he resolved to march towards Scotland, big with the expectation of surprising Robert, and repairing all his former losses. Whilst he was in his own territories, he had plenty of provisions, every one striving to supply his army, more out of fear than affection. But preposterously thinking he should find the same conveniences in the enemy's country, he was suddenly in a terrible want. So instead of advancing, he was forced to return in haste, as he had done once before, without being the wiser by that experience. But this was not all the dishonour he received from the ill concerted expedi-

<sup>u</sup> The earls of Kent, Richmond, Pembroke, Surrey, Arundel, Athol, Anagot, &c. the Monday before March 25. Rymer's Fœd tom. ii. p. 940.

<sup>v</sup> As he accordingly was, upon a hill near Pontefract, March 25. Chron. Evesh.

<sup>x</sup> Historians have given us the following lists of the names of the barons that were put to death. The earl of Lancaster, the lords Warren de Lisle, William Tochet, Thomas Mandute, Henry de Bradburn, William Fitz William, junior. William Cheney, at Pontefract; Roger Clifford, John Mowbray, Jocelin D'evill, at York; John Giffard, at Gloucester; Henry Teyce, at

London; Francis de Aldenham, at Windsor; Bartholomew de Badlesmere, and Bartholomew de Ashburnham, at Canterbury. Threescore and twelve knights (besides those hanged in chains) were shut up in prison, who upon fines paid, were afterwards set at liberty, says De la Moor. Walsing. Knighton.

<sup>y</sup> A parliament was held at York this year three weeks after Easter, wherein the process against the two Spencers for their banishment, was revoked. And a tenth part was granted to the king of the goods of the lords and commons of the kingdom, and a sixth part of those belonging to the cities, boroughs, and ancient demesnes. Brady.

tion.

tion. Hardly had he begun to return into his own dominions, when Robert closely pursued him, and overtaking him at Blackmore, eased him of his baggage, and had like to have taken him prisoner. The English army being dispersed, Robert continued his march, ravaging the country with fire and sword to the very walls of York<sup>a</sup>. At last, having burnt the monastery of Rippon and ransacked the abbey of Beverley, he returned home loaded with booty. Whatever reason that prince had to expect great advantages from the war, he entered into negotiation for a truce, which at length was concluded on the 13th of May 1324, for thirteen years. He consented the more readily to the truce, as he was forced to give some respite to his subjects exhausted by so long a war. Besides, he hoped by that means to be reconciled to the court of Rome, having received intimation, that his absolution, and the removal of the interdict, depended upon his compliance.

Is pursued by Robert, who ravages England. A. D. Pub. iii. p. 930.

Truce of thirteen years. A. D. Pub. iii. p. 983. 1022. Walsing.

The submission of the English, and the long truce with Scotland, placed Edward in a situation most agreeable to his temper. He had nothing to divert him from his pleasures, enjoyed a peaceable kingdom, and could leave the government to his favorites, without fear of being controlled by his subjects. This was a happiness he could not attain till this year, being the sixteenth of his reign. However, his satisfaction was sometimes disturbed by the remembrance of things past. The death of the earl of Lancaster, of which he began to repent, now and then stung him with remorse. This manifestly appears, in his answer to certain lords petitioning him to pardon a condemned criminal<sup>a</sup>. "Is it possible, cried he, that such a wretch as this should find so many friends to intercede for him, when not one would speak in behalf of my cousin of Lancaster, who, if he had lived, might have been useful both to me and the whole kingdom? therefore, as for this fellow, he shall die as he deserves."

Edward repents of the death of Lancaster. Walsing. p. 117.

The character of Thomas earl of Lancaster was not less ambiguous than the earl of Leicester's, in the reign of Henry III. The king's and the Spencers adherents called him villain and traitor, one that, having taken up arms against his

Uncertainty about the earl of Lancaster's character.

<sup>a</sup> They took, among the rest, John de Bretagne earl of Richmond prisoner. Walsingham.

<sup>b</sup> He was one of Lancaster's family, and engaged with his lord in the late insurrection, and being condemned to be hanged, some, about the king, because

he formerly had a place at court, offered to intercede for him. At which the king falling into a passion said as above. Walsing. The words are translated nearer the original than in the French.

sovereign, was justly condemned. But the people in general had his memory in great veneration, considering him as a real martyr for liberty. Immediately after his death, his tomb was flocked to, where many miracles were pretended to be wrought. The king was even obliged, strictly to command the bishop of London, to put a stop to the superstition of the people of his diocese, who came and said their prayers to the earl's picture hung up in St. Paul's church <sup>b</sup>. Probably, the uncertainty concerning the character of this prince would have lasted much longer, if two things had not determined people in his favour. The first was the punishment of Harcla, who being made earl of Carlisle, for taking Lancaster prisoner, incurred the displeasure of the Spencers, and upon a suggestion of a correspondence with Scotland, was beheaded <sup>c</sup>. The second was the canonization of Lancaster in 1389, at the request of Edward III. son of him that had taken away his life <sup>d</sup>. After that, there was no room to question the sincerity of his intentions. At least, it was no longer permitted openly to defame his memory.

A&C. Pub.  
iii. p. 1033.

Harcla be-  
headed.  
A&C. Pub.  
iii. p. 988,  
994, 999.  
Walsing.

Great power  
of the  
Spencers.

The death of Lancaster, and of several other lords of the same party, placed the Spencers on the top of the wheel. As there was no man able to oppose them, these two ministers did, in the king's name, whatever they thought agreeable with their interests, without regarding a party entirely reduced. Had they been so wise to moderate their passion, and deny themselves the pleasure of revenge, they would have doubtless supported themselves in their high station, and caused their master to pass an easy and quiet life. But where are men of this character to be found? The Spencers, to complete their vengeance, threw the kingdom into greater and more fatal troubles, than what were lately appeased. Not content with putting to death the heads of the opposite party, with depriving others of their estates, and with condemning great numbers to banishment, they did not think themselves

They per-  
secute their  
enemies.

<sup>b</sup> He was buried in the church of the priory of Pontefract. The prior and monks giving out that miracles were wrought at his tomb, the report gained ground in such a manner, that the king was forced to order the church to be shut up. The king's letter to the bishop of London on account of his picture which was set up in St. Paul's cathedral, and worshipped by the people, is in vol. III. p. 1033, of Rymer's Fœd.

<sup>c</sup> Before his being beheaded he was degraded of the honour of knighthood ;

which is the first example of this kind. Walsing.

<sup>d</sup> Queen Isabella writ in 1326, the last day of February, to the pope, extolling the virtues of the late earl of Lancaster, and desiring his holiness to canonize him, and king Edward III. permitted a chapel to be built over the place where the earl was beheaded ; but his canonization was not completed till Richard II's reign in 1389. See Brady's hist. p. 138.

quite secure, till they were rid of three persons who made them uneasy, and with whom they were extremely incensed, namely, the bishops of Lincoln and Hereford, and Roger Mortimer the younger. Mortimer, who, had done them great damage, was in their power, being actually prisoner in the Tower.

Adam Orleton, bishop of Hereford, was promoted to that dignity by the favour of pope John XXII. in spite of all the king's endeavours to the contrary. The prelate, who had shown but little regard for the court on that occasion, rightly judged the king would not fail, when in his power, to be revenged on him. For this reason he joined with the earl of Lancaster, to screen himself from the persecution he justly feared. Affairs having taken a different turn from what he expected, and the king preserving an extreme resentment against him, his ruin was determined. To that end he was summoned to answer in the king's court to a charge of high-treason\*. He appeared, but refused to plead in any but the ecclesiastical court, insisting upon the privilege of his order. This refusal would have done him no service, had he not been supported by the archbishops of Canterbury and Dublin. These prelates considering the sentence which the king's court was going to pronounce, as a manifest violation of the church's immunities, went with several other bishops, and forbid the king's judges to take cognizance of the case, threatening them with excommunication, if they dared to proceed. However desirous the king and his ministers were to be rid of the bishop, the clergy's opposition hindered the judges from passing sentence, and the affair was referred to the parliament. Nevertheless, till this process was over, the king ordered the temporalities of the party accused to be seized.

They attack the bishop of Hereford, but are opposed. Act. Pub. iii. p. 617, 617. Walsing. De la M.

The bishop of Lincoln, who was in the same case, plainly perceived what would be his doom, if the bishop of Hereford was condemned. A common interest forming a strict union between the two prelates, they fought means to raise troubles, which should shelter them from the king's vengeance. Unhappily for him their endeavours proved but too successful.

The two bishops join together.

Roger Mortimer the younger, was not, or at least seemed not to be, in very favorable circumstances. Detained in close confinement, and destitute of a character which might screen him from the malice of the incensed favorites, he expected to

Mortimer is condemned twice, and pardoned.

\* He was arrested in the parliament upon divers articles of high-treason. held at London the beginning of Lent. Walsing. and examined before the king and lords

Pat. 16.  
Edw. 2.  
Pat. 1. M.  
34.

forfeit his head for the damages he had done. And indeed he was condemned to die<sup>f</sup>, but found a powerful intercession with the king; who, notwithstanding the solicitations of his favorites, changed his sentence to perpetual imprisonment. It was no small matter for Mortimer to escape death. His situation seemed to require his patience, till time should bring some change in his favour. But so slow and uncertain a means was not capable of making him easy. Whether he was afraid the king would one time or other, be gained by his enemies, or whether he relied upon the same protection that had already saved his life, he entered into new plots. Though a prisoner, he attempted to make himself master of the Tower, and likewise of Wallingford castle, by the help of his friends. The plot being discovered, one of his accomplices was condemned to be hanged, and himself once more had the sentence of death passed upon him. However, he obtained a second pardon.

Walling.

Remarks on  
his being  
thus par-  
doned.

When a man reflects on the great credit of the Spencers, their revengeful temper; and the reason they had personally to hate Mortimer, he must be convinced, that the protection which screened him from their vengeance was very powerful. On the other hand, if all the circumstances of this reign be considered, it will not be thought likely, that any other person but the queen could possibly obtain such a favour from the king, against the interest and solicitations of the ministers. This conjecture is confirmed by the scandalous manner wherein that princess afterwards lived with Mortimer; from whence it may be inferred, their good understanding commenced long before it was publicly known. For a further confirmation of this may be added what all the historians unanimously relate, that the queen incessantly complained of the severities, exercised upon the friends of the late earl of Lancaster. This gives occasion to presume, that Mortimer was the principal subject of her complaints. Moreover, at this very time it was, that the Spencers began to vex queen Isabella, inasmuch, that by their persecutions, they obliged her to complain to the king of France her brother, that she was regarded but as a servant in her husband's house. Now it does not appear, that the favorites had any other reason to mortify her, than the protection she granted to Mortimer, their enemy. All these reasons incline me to believe, there was at this time a familiarity between Isabella and Mortimer, and that the protection she publicly honoured

The queen  
is soured by  
the Spen-  
cers.  
D. L. M.

<sup>f</sup> And his estates, together with his long after, the elder Mortimer died in  
uncle's, were forfeited, in 1322, Not the Tower.

him

him with, drew upon her the malice of the favorites. The vexation they gave her, led her to seek means to be revenged in her turn. This is truly the source of the events we are going to relate, concerning which historians have expressed themselves very obscurely. Let us add here, in order not to return to Mortimer till there shall be occasion, that quickly after he found means to escape out of the Tower, and to lie concealed some time in England, notwithstanding the diligent search to apprehend him. Though hue and cry was raised after him, which seldom fails of success, he had the good fortune to escape into France. Probably he was hid in some place where they durst not look for him. Let us now proceed to the fatal effects of the love, ambition, and revenge, which at that time possessed the principal persons at court.

Mortimer escapes into France. Walsing. Ad. Murim. De la M. Act. Pub. iv. p. 70.

The peace made by Edward I. with France still subsisted, notwithstanding certain disputes between the two crowns, in the reigns of Lewis Hutin, and Philip le Long, sons and successors of Philip the Fair. Upon Charles the Fair's accession to the throne of France, after the death of his brothers, these differences were considerably increased, on account of the jurisdiction claimed by that prince over Guienne, as sovereign lord of that duchy. It is probable too that Charles, dissatisfied at the ill treatment of his sister queen Isabella, sought occasion to give Edward marks of his resentment. An unexpected accident in Guienne, gave him an opportunity to make himself satisfaction. Hence flowed all the misfortunes which afterwards fell upon the king of England.

Affairs of Edward with France.

At St. Ardos, a town in the Agenois, held of the castle of Montpezat, some outrage was committed, which Edward's officers in Guienne neglected to redress\*. Whereupon the parties concerned carried their complaints to the king of France, as sovereign. Charles embraced the opportunity to assert his right over Guienne. He caused the court of peers to sentence the lords of Montpezat, and other Gascon gentlemen to banishment, and to confiscate their castles to the crown

The king of France takes occasion to seize Guienne. Act. Pub. iii. p. 1009. iv. 48, 55, 63, &c.

\* The occasion of the quarrel was this: Hugh, lord of Montpezat had built a castle on some land, which he pretended was within the territories of the king of England, but which the king of France maintained to be his; and therefore he summoned the said lord before the parliament of Paris, which adjudged the land to the king of France; and his officer in those parts

immediately seized the castle. To recover which the lord of Montpezat assembled all his vassals, and received also assistance from the king's seneschal of England in Guienne, by which means he soon became again master of his castle, and put all the French men that were in it to the sword. P. Daniel's Hist. of France. tom. v. p. 41.

of France. By virtue of this sentence, given without summoning the king of England, or his officers, Charles would have taken possession of the castle of Montpezat; but was prevented by the English, who placed a strong garrison there. This opposition occasioned another sentence, declaring the garrison guilty of felony, for opposing the execution of the first. Mean while, the king of France ordered troops to be raised in Perigord, and the neighbouring provinces, with design to besiege the castle. To give the better colour to this armament, he complained, that Edward had not done him homage for Guienne and Ponthieu<sup>b</sup>, and so had a pretence ready to confiscate these provinces, in case his arms met with the expected success. Indeed it was visible, his design was not to take the castle only, since he sent a formidable army into Guienne, under the command of Charles de Valois his uncle, who made himself master of several places. Certain it is, nothing was farther from Edward's thoughts, than a desire of entering into a war with France, and yet he took no step to avoid it. Instead of giving the king his brother-in-law some satisfaction, by doing justice to the parties concerned in the affair of St. Sardos, and by offering the homage due to him, he still kept his character of neglecting great matters for the sake of trifles<sup>c</sup>. It is true indeed, he sent commissioners into Guienne<sup>d</sup>, with public orders to make inquisition concerning the business of St. Sardos. But by their private instructions they were to try to oblige the plaintiffs to desist from their appeal, which was not endeavouring to satisfy the king of France. As for the homage, though he did not pretend to dispute it, he excused himself from doing it, on pretence he had never been summoned in form. Mean time, he sent his brother, the earl of Kent, to command in Guienne, but with so few troops, that the earl not daring to keep the field, shut himself up in Reole, where he was besieged; and at last forced to capitulate.

Before the earl of Kent went over to Guienne, he was sent to Paris, to try to adjust the difference between the two crowns. He had even agreed with the court of France upon a treaty, which the king his brother refused to ratify. This was the subject of a long negotiation, which served only to

Négociation  
at Paris.  
A&S. Pub.  
iv. p. 42,  
61, 98,  
200.

<sup>b</sup> He sent the Sieur de Secoaville, and a notary named Andrew de Florence, to summon him to perform that homage. Walsing.

<sup>c</sup> Upon his being summoned by the king of France, he assembled the par-

liament in Lent (of which mention is made a little above) to consider what answer he should return to those summons. Walsing.

<sup>d</sup> His brother Edmund earl of Kent, and the archbishop of Dublin. Ibid.

give

Walsing.  
De la M.

1324.  
Charles de  
Valois  
makes great  
progress in  
Guienne.  
De la M.

A&S. Pub.  
iv. p. 9.



give the earl of Valois time to pursue his conquests in Guienne. At length, Edward perceiving the duchy was in manifest danger, thought fit to make some preparations, which occasioned the court of France to equip a fleet, to oppose that of the English. The Spencers, ever watchful of occasions to vex Isabella, used this to deprive her of the earldom of Cornwall, assigned her for her private expences. They suggested to the king, that it was dangerous to leave that country in the hands of the queen, when he was in war with the king her brother. They added, that probably, the French fleet was designed for an invasion in that quarter. This was sufficient to induce Edward to resume that earldom in a very disobliging manner to the queen, without dissembling that he thought her capable of holding a criminal correspondence with the enemies of the state. This indignity, which she highly resented, added to so many other reasons of disgust against the Spencers and the king, in all likelihood, hastened the project, the particulars whereof I am going to relate.

Though Edward made some preparations for war, it was not by his arms that he expected the restitution of what was taken from him. His chief reliance was on the pope, who being chosen mediator between the two crowns, put him in hopes of a good issue of the affair. The pope sent two nuntios to Paris, where ambassadors from England also repaired. But the negociation went on so slowly that the English could not help showing some impatience. As they seemed inclined to return home, a person of great note in the court of France took occasion to insinuate to the nuntios, that if the king of England would send his queen to Paris, she would undoubtedly obtain from the king her brother much better terms than the ambassadors could expect. The nuntio's having made the proposals to the English plenipotentiaries, it was resolved that one of them the bishop of Winchester, should go to London, and persuade their master to follow the method suggested to them. These particulars are to be seen in a letter from Edward to the pope, in the Collection of the Public Acts. It was not therefore a contrivance of the Spencers to be rid of the queen, as some have affirmed, since the project came first from France. It is more likely, that the queen herself put the king her brother upon it, in order to have an opportunity of going to Paris, and beginning the execution of her

The bishops of Winchester, and Norwich, together with John de Bre-  
tagne earl of Richmond, and sir Henry  
de Beaumont, but afterwards in his  
room William de Ayre mine canon of  
York. Rymer's Fœd. tom. iv. p. 106,  
145.

plot

He consents to it. A.D. Pub. iv. p. 148.

Articles of Isabella's treaty with her brother. Ib. p. 153. Walling.

A.D. Pub. ib. p. 156.

Edward prepares to go and do homage. Ib. p. 148. &c. De la M.

The giving up Guienne to his son is proposed to the king. Cont. Nun. Walling. De la M.

plot against her husband and his favorites. Be that as it will, the proposal being debated in council<sup>m</sup>, any expedient was thought preferable to a war, as matters then stood in England. Isabella was therefore desired to go to France; to which she seemed to consent, with the sole view to make peace between the two kings. Immediately after her arrival at Paris, she obtained a short truce, during which she concluded a treaty with the king her brother. By the treaty the duchy of Guienne was to be wholly resigned to the king of France. That afterwards both the kings should meet at Beauvais, where Charles, at the instance of the queen his sister, should restore Guienne to Edward, upon his doing homage for it. That in this restitution the country of Agenois lately conquered by France should not be included: But that the king of England should be allowed to sue for it in the court of peers, where justice should be done him. And in case the court should decree that Edward should have possession again, he should be obliged to pay the king of France a certain sum towards the charges of the war; but should pay nothing in case he lost his cause. The day after signing the treaty, the commissioners of France, for reasons they did not care to explain, deferred fifteen days longer the interview of the two kings, which had been fixed to the Assumption of the Virgin.

How disadvantageous soever the treaty appeared to Edward, as he was willing at any rate to avoid a war, he failed not to ratify it and prepare to do his homage. The Spencers beheld these preparations with great uneasiness, knowing there were in the kingdom a great number of male-contents who might take advantage of the king's absence, to excite fresh commotions. An expedient found in this interval, either in France or in England, freed them from their trouble. It was insinuated to the king, that if he would resign to prince Edward his son aged thirteen years, the duchy of Guienne and the earldom of Ponthieu, the king of France would receive the homage of the young prince, and restore him the places he had promised to give up by the treaty. In all likelihood this overture came from the court of France, as well as the proposal of the queen's going to Paris. But it was only hinted to the king like the former, in order to induce him to demand that favour himself. However that be, as one is apt to flatter himself, Edward imagined that, out of respect to

<sup>m</sup> Or rather, in a parliament, which to deliberate about the affairs of Guienne. was held at Westminster, January 21. anno.

him,

him, the king of France had devised this expedient; to excuse him from doing what was very disagreeable to him, or the queen had obtained the favour by her solicitations. Neither himself nor the Spencers perceived the poison that lurked under this seemingly advantageous proposal. They did not question in the least, but the management of Guienne would still remain in their hands, in the name of the young prince, at least during his minority. On the other hand, the change did not appear to be beneficial to France. But for that very reason they should have suspected it, since it seldom happens that any thing advantageous is offered to another, without the proposer's receiving some benefit though at first it does not appear. However, as Edward suspected not his queen, he excepted, without hesitation, the offer, which excused him from a journey he was very unwilling to make. This was throwing himself headlong into the snare laid for him, the queen's sole aim in the whole contrivance being to get the prince her son with her, and to make him her instrument to ruin the king her husband.

There is hardly room to question, that Charles the Fair was very deeply concerned in the plot, when it is considered, that from him came the first proposal of sending Isabella to Paris. This gives occasion to presume, he was author of the second too, which tended to draw prince Edward there also. And indeed, if he had not some private view, what advantage could the change be to him? was it not more honourable, to see the king of England at his feet, than his son? and yet, instead of appearing to have made any objection on that account, it is seen in several places of the Collection of the Public Acts, that he very readily came into it, by the great haste wherewith the agreement was made. The 21st of August, Edward had still thoughts of going to France. The 24th of the same month he writ to Charles, to be excused, upon a pretended fit of sickness, from meeting him at Beauvais on the day appointed. The 2d of September, he absolutely resigned to the prince his son the earldom of Ponthieu. The fourth of the same month, Charles signed letters patent, consenting to the substitution

He accepted  
the proposal

Remarks  
which make  
appear that  
the King of  
France  
acted in  
concert with  
the queen  
his sister.

Ad. Pub.  
iv. p. 163  
&c.

ib. p. 164

" The articles whereby king Edward resigned Guienne to his son, were agreed upon at Dover, September 9, with the consent of the prelates, and other great men there present. Two of the articles agreed upon at Dover, were, that if prince Edward died be-

fore his father, the lands in Guienne should return to his said father king Edward; and that the king of France should neither marry, nor provide the young prince a guardian. See Rymer's Fed. tom. iv. p. 165, 166. Walsingham, p. 121. De la Motte, p. 397.

of the son in his father's room, on condition king Edward would resign to his son whatever he held in France. But this condition was already performed in England two days before, with respect to the earldom of Ponthieu. Hence it is plain, the negociation was begun and ended between the 24th of August and the 4th of September, which doubtless will seem too short a time, if the court of France is supposed not to be already determined to grant what she well knew was going to be demanded. If the son's substitution in the father's place, had been attended with no consequence, there would have been no occasion to take much notice of it, the thing in itself being of little moment. But it was necessary to relate the circumstances, in order to shew it was a plot contrived long before by the queen, and a snare laid by her for the king her husband, and at the same time that she acted in concert with the king of France her brother. For it is very hard to believe the queen so politic as to draw king Charles into her project, without his or his council's perceiving it. It is therefore very likely, that before Isabella left England, she had intimated to the king her brother, that she wanted to throw off the dependence she was kept in by the Spencers, and free herself from the ill treatment she received by their instigation, from her husband. So it may be very probably presumed, it was in order to serve the queen his sister, that Charles caused to be made indirectly the proposal of sending her to Paris. That it was moreover in prosecution of the same design, that he so readily came into the treaty with her, when he might reasonably expect to become master of Guienne. In fine, that it was with the same view, that he consented to receive the son's instead of the father's homage. It is scarcely to be doubted, that the prolonging the term of the homage, without giving the reasons, was a consequence of the same project. It was believed, without doubt, there would be occasion for more time, to prevail with Edward to send his son to Paris, to which it was imagined he would make some objections. To all these reasons may be added, that afterwards Charles permitted the queen his sister to stay in France, notwithstanding the repeated instances of her husband to the contrary. Moreover the French historians own themselves, he had promised her assistance. Add to this, Isabella's hatred of Spencer the younger, and her passion for Mortimer, which she took no further care to conceal, when she had her son in her power. Moreover, let the readiness be considered, wherewith all the English lords declared for her, as we shall see presently. From the connexion

nexion of all these circumstances it is demonstrable, that Isabella's plot was formed before her departure from England, and that the king her brother was not ignorant of it. I have dwelt the longer on these particulars, because the historians seem to me to speak very obscurely of the causes of the revolution I am going to relate.

The two kings being agreed upon the expedient proposed, prince Edward departed for Paris on the 12th of September 1325, after receiving from his father the absolute grant of the duchy of Guienne and earldom of Ponthieu. In a few days after his arrival, he did homage to the king his uncle, who actually restored him Guienne, but kept the Agenois, of which Edward the father greatly complained. He pretended, that by the late agreement Charles was obliged to restore all Guienne to his son. Charles, on the contrary, maintained, that the restitution he had promised had relation to the late treaty, whereby he reserved the Agenois for himself. This contest displeased not the queen, who wanted a pretence to stay at Paris, from whence she did not intend so soon to depart. After the arrival of her son, all the English who had fled for refuge into France, or been banished their country, came to her. Roger Mortimer was of this number, and became her chief counsellor. From thenceforward Edward's ambassadors had but little access to the queen, and were no longer advised with concerning the restitution of the Agenois. On the contrary, she held frequent councils, where none were admitted but the professed enemies of her husband, and of the Spencers. Nay she had secret conferences with Mortimer, which occasioned many suspicions. In fine, she used so little discretion in her familiarities with him, that Edward's servants at Paris were extremely offended thereat. On the other hand, her return to England was deferred from day to day on divers pretences, notwithstanding the repeated orders of Edward to bring home his son. All the historians unanimously affirm, she was in love with Mortimer. Some say, her passion began at Paris; but much more probably, it commenced in England before Mortimer's imprisonment. However this be, the queen's secret conferences with a fugitive she ought to have banished her presence, as an enemy to the king, opened at length the eyes of the bishop of Winchester, one of Edward's ambassadors. The bishop plainly perceiving his master was betrayed, privately withdrew from the court of France, to inform

o Having been dismissed from being of her secret council, he left her, and returned to England.

Prince Edward comes to Paris, Act Publ. iv. p. 168. lb. p. 165. 172, &c. He does homage

Walsley

De la M.

The queen's plot against the king her husband. Her passion for Mortimer. Walsley

The bishop of Winchester informs the king of it. Walsley.

him of what was transacting at Paris. He acquainted him, not only with the queen's scandalous behaviour to Mortimer, but assured him also, they were contriving some plot against him. He very justly built his suspicions on their frequent councils with the exiles, without suffering the ambassadors to be present. Edward had already thought it very strange, that after the homage was done, the mother and son should stay so long in France, and had often writ to recall them. The bishop of Winchester's information entirely opening his eyes, he began from that moment to perceive his great error in sending his son to Paris. This made him repeat his instances for their return, and positively command the queen to bring his son with her, without staying one minute for the reasons she had hitherto alledged. His orders were so urgent, that Isabella was obliged to seek other excuses. She caused the king her brother to send him word, she could not think of returning to England without being first secured against the ill treatment of Spencer the son<sup>p</sup>. Edward, in his answer, justified Spencer's behaviour to the queen, by her own letters to that favourite, full of friendship and confidence, since her being in France. Moreover, he assured the king his brother-in-law, that he would never suffer Spencer, or any other person, to be wanting in the respect due to his queen. He further represented to him, that if he had not entirely relied on his sincerity, he should never have sent his son into France, and desired him to remember his promise, and send him back with all speed. He writ in the same manner to the queen and prince; but his letters were all to no purpose. Isabella was determined to pursue her point, and whilst she was taking measures at Paris to accomplish her design, her friends were effectually serving her in England. The heads of her party were Henry of Lancaster, brother of him beheaded at Pontefract, and the bishops of Lincoln and Hereford. They did not find it very difficult to form a strong party against the king, considering the dispositions of the barons since the late cruel executions.

1326. Charles the Fair, as the French historians are forced to own, had promised the queen his sister some assistance, but was unwilling to appear in her plots<sup>q</sup>. It was necessary therefore

Act. Pub.  
iv. p. 180,  
&c.

De la M.  
Clauſ.  
19 Edw. II.  
M. 2. Dorſ.

The queen  
complains of  
Spencer.

Edward's  
letter to  
Charles  
about that  
matter.

Act. Pub.  
iv. p. 180.

Ib. p. 181,  
182.

The queen  
gains a party  
in England.  
De la M.  
Walsing.

Isabella  
treats with  
the earl of  
Mainault.

<sup>p</sup> It was then reported, whether true or false, that the Despensers had procured the king's consent to make away the queen his wife, and prince Edward his son. Walsingham.

<sup>q</sup> Froissart relates, that as Isabella was

providing for her voyage, Hugh le Despencer having notice of it, contrived with presents to buy off the French king, inasmuch that he forbade, under pain of banishment, any of his subjects from assisting the queen. vol. 1. c. 8.

for

for Isabella to find a protector, who would not scruple openly to support her interests. To that end, she applied to the earl of Hainault, from whom she believed, she should be able to procure some troops to strengthen her party upon her arrival in England. But as she could not expect to gain that prince without making it turn to his advantage, she concluded with him a marriage between her son Edward and his daughter Philippa, as if it had been in her power to dispose of the young prince. Several pieces in the Collection of the Public Acts plainly shew, this marriage was in hand whilst the queen was yet at Paris. Amongst others, there was a letter of king Edward to his son, expressly forbidding him to enter into any marriage-contract without his knowledge.

Proissart.  
Walsing.

and con-  
cludes a  
marriage  
between  
prince  
Edward and  
his daughter

Act. Pub.  
iv. p. 195.

Mean time, the king of France still permitted Isabella to continue at Paris, and read without any emotion or answer, Edward's letters, upbraiding him with breach of faith. The information Edward received from the bishop of Winchester; the queen's frivolous excuses to defer her return; and king Charles's connivance, troubled him extremely. He plainly saw, some plot was contriving against him at Paris, though he could not guess what it was. But he was sensible, the consequences were to be dreaded, as long as his son was in the power of his enemies. Most of the historians affirm, the contempt shown by the mother and son for his orders, induced him at length to banish them the realm. But a letter he sent the pope, manifestly shews, it was only a false rumour spread in France, on purpose to justify the queen's stay. In the letter Edward told the pope, "That he had never such a thought: that the tender age of his son freed him from all imputation of disobedience, of which the queen alone was guilty, and that he had too great an affection for both, to treat them so inhumanly." After trying in vain all the ways he could devise, to oblige them to return to England, he vented his whole fury upon the ambassadors, who assisted the queen in the negotiation of the fatal treaty, and resolved to make them responsible for the event. He particularly charged the bishop of Norwich and the earl of Richmond, with prevaricating in the execution of their orders<sup>r</sup>, wherein he committed two egregious errors: First, as he increased thereby the number of his enemies, who were already too numerous. Secondly, as he discovered his incapacity to govern, since, as a minor king might have done, he cast on his

Confutation  
of Edward's  
banishing  
the queen  
and his son.

Walsing.  
Act. Pub.  
iv. p. 200.

He accuses  
his ambassa-  
dors of pre-  
varication.  
Ib. p. 193.

<sup>r</sup> And hereupon seized their lands and goods. Rymer's Fœd. tom. iv. p. 209.

**1b. p. 198,** ministers the blame which he himself had incurred, by ratifying the treaty, This conduct could not fail to give his enemies a great advantage, whose chief aim was to persuade the people, the king was very unfit to rule. To this imprudent proceeding, he added another, no less impolitic, in declaring war against France, without being in any readiness to maintain it, and in giving Charles a plausible pretence openly to support his sister's interests.

**He declares war with France.**  
**1b. p. 216,**  
**§ 18,**

**Charles assists his sister,**

**Mezerai.**

As Isabella's project to dethrone her husband has something detestable in it, the French historians would fain insinuate that Charles the Fair her brother was no way concerned. On the contrary, they affirm, that when he came to know it, he expelled her his dominions, and forbid his knights to give her any assistance. They would have spoke the whole truth, if they had said, he did not do this, till Isabella had taken all her measures with the earl of Hainault, and was upon the point of executing her design. Mezerai could not help discovering his thoughts, when he said the Spencers were so liberal of their money at the court of France, that Charles, gained by presents, or awed by the threats of a rupture, prohibited his subjects from assisting the queen. It is true, he adds, that because Mortimer, who had made his escape out of the Tower, was come to queen Isabella at Paris, Charles, detesting their shameful proceedings, would not suffer her any longer in his dominions. But it is easy to see, the French king was not swayed by that motive, since it is not true, that Mortimer followed the queen into France, where he had been two years before her. On the contrary, it is certain, Charles suffered his whole court above sixteen months, to be witness of the familiarities between his sister and Mortimer. And if he sent her afterwards out of his territories, it was purely on account of the uncertainty of the event, and to avoid the blame of having approved of her conduct, in case she did not succeed.

**The queen embarks at Dort.**  
**Froissart.**  
**l. i. c. 9.**  
**Walsing.**  
**Knighton.**

Isabella leaving the court of France, spent some days at Abbeville, from whence she came to Valenciennes. Upon

\* At the same time, he issued out his orders, dated at Gaywood, February 8, to all the sheriffs in England, to summon all the esquires, barons, knights, and others holding by knight's service, arraisers of foot-soldiers, light horse men, &c. to get themselves in a readiness as also to John L'Estrymy admiral of the north, to Nicholas Kyriel, admiral of the South Seas, and to Ralph Basset

of Drayton, constable of Dover castle, and guardian of the Cinque-Ports, to oppose the landing of any of the king's enemies. Ibid. p. 189. — Not long after, April 18, he renewed his father's orders confirmed by the parliament, against those that spread false rumours, in order to sow discord between the king and his people; the penalty of which was imprisonment. Ibid. p. 202.

ber



her arrival, she ratified the treaty concluded between her and the earl of Hainault, and contracted her son Edward to the princess Philippa. A few days after, she repaired to Dort, where she embarked the troops supplied by the earl of Hainault, who were all ready there, with ships to transport them, John de Hainault, brother of the earl, had the command; and the queen, as a singular favour, gave him leave to stile himself her knight. Some reckon these troops but three thousand. Others say, they were more numerous. But she did not rely so much upon these forces, as upon the discontents of the English, and the many adherents gained by her friends in England. She landed on the twenty-second of September [at Orewell] in Suffolk, where she was joined by Henry of Lancaster, and several other lords<sup>1</sup>. At the same time, the enemies of the Spencers were very busy in levying troops for her assistance; and her army soon became so numerous, that she struck terror into those who were desirous to serve the king. That unfortunate prince, who had received timely notice that a plot was contrived against him at Paris, had, according to custom, employed himself in seeking ineffectual remedies for the impending evils. Instead of raising an army, and equipping a fleet, which might have crushed the designs of his enemies, he had only writ to the pope, and the king of France, letters which were to no manner of purpose. Wherefore, upon the arrival of the foreign troops, he was deserted by all, and unable to withstand his enemies. In vain did he publish a proclamation, commanding his subjects to fall upon the foreigners, and set a price upon Mortimer's head<sup>2</sup>; not a man stirred to obey him. The earl of Kent, his own brother, joined the male-contents, and went over to the queen. In this extremity, he resolved to retire into the west with the two Spencers, the earl of Arundel, chancellor Baldoc, Simon de Reading, and a few other friends of the favourites.

Mean time the queen, whose army daily increased from all parts, published a manifesto in her own as well as in the names of Edward her son and the earl of Kent, setting forth the reasons of their taking up arms. They pretended, their sole aim was to free the church and state from the oppressions to which they were exposed, by the male-administration of the king,

De la M.  
She lands in  
England,  
and is joined  
by the male-  
contents.  
Act. Pub.  
iv. p. 231.

p. 194, 210,  
212.

Edward de-  
serted by all.  
Act. Pub.  
iv. p. 232.  
233.  
Walsing.  
De la M.

The queen  
publishes a  
manifesto.  
Act. Pub.  
iv. p. 236.  
Walsing.  
X Scriptor.  
Col. 2764.

<sup>1</sup> Particularly Aymeric de Valence, earl of Pembroke, the earl of Leicester, with the bishops of Hereford, Lincoln, Ely, and Dublin.

<sup>2</sup> A thousand pounds. Rymer's Fœd. tom. iv. p. 233. This proclamation is dated at the Tower of London, Sep. 28.

and the tyranny of the Spencers: adding, these unworthy favorites and their adherents ought to be deemed enemies of the state, since by their pernicious councils, and abuse of the royal authority, they unjustly deprived some of their lives, others of their estates and liberty, without any regard to the laws of the land, or the privileges of the people. The manifesto was published at Wallingford, October 15, whilst the queen was marching in pursuit of the king.

The king leaves Spencer the father at Bristol, and thinks of retiring to Ireland. Walling. De la M.

He is driven off the coast of Wales, where he hides himself.

The queen takes Bristol, and hangs Spencer the father. De la M. London declares for the queen.

The bishop of Exeter beheaded. Walling.

Edward was then little able to withstand his enemies: all his endeavours to raise troops had proved ineffectual: nobody would expose himself to the queen's resentment, or hazard his life and fortune for an unhappy prince, who was now looked upon as lost. In this extremity, finding no remedy in England, he resolved to retire into Ireland, and leave Spencer, the father, in Bristol. He fancied, the siege of that place would so long employ the queen, that he should have time to take some measures. Pursuant to this resolution, he went on board a small vessel, and set sail for Ireland: but he was driven by contrary winds on the coast of Wales, where he was forced to land, and lie concealed in the abbey of Neath, till the wind became fair, or he could form some other design. Whilst this unfortunate prince could hardly find in his own kingdom a place of safety, the queen over-ran the counties with a wonderful rapidity. Every one was eager to supply her army with necessaries. At length she came before Bristol, where Spencer made but a faint resistance. The city surrendering after a few days siege, the old Spencer, aged fourscore and ten years, was immediately hung up in his armour without any formality.

Mean while, the city of London following the example of the rest of the kingdom, declared for the queen. In vain did Walter de Stapleton, bishop of Exeter, whom the king had left guardian of the city, endeavour to keep it for his master. His efforts served only to excite against him the fury of the populace, who treating him with great indignity, at length cut off his head<sup>v</sup>. The citizens, likewise enraged against the king, became masters of the Tower, and released all the prisoners confined by the Spencers<sup>x</sup>.

<sup>v</sup> He was a great benefactor to Oxford, founded and endowed Exeter college, and built Hart-Hall. The reason of the mob's fury against him was, that being treasurer of the kingdom, he had persuaded the king's council to cause the itinerant justices to sit in London, who finding that the citizens had of-

fended in many things, deprived them of their liberties; fined some, and inflicted corporal punishments on others. Walling.

<sup>x</sup> They also took John Marshall, servant to Hugh le Despenser, junior, and cut off his head, and plundered all his goods. Walling.

At

At Bristol, where the queen staid for some days, she was informed of the king's being embarked for Ireland. As he had not committed the government to any person, the lords who attended the queen used that pretence to name for guardian, or regent of the kingdom, prince Edward, who took upon him the administration. This done, the queen came to Gloucester, where the gates were opened to her. Here she published a proclamation, inviting the king to come and resume the government: but herein she acted not with sincerity. She not only had no intention to re-instate the king, but knew he never would venture to place any confidence in her, after being so cruelly treated.

Whilst the queen was at Gloucester, a report being spread that the king was some where concealed in Wales, Henry of Lancaster was detached in quest of him. His diligence, and a reward of two thousand pounds promised by the queen to any person that should take Spencer the younger, soon gained him intelligence of the place where the unhappy king thought to be concealed. He had with him only Spencer, chancellor Baldoc, Simon de Reading, and a few domestics, all the rest forsaking him in his misfortunes. As the Abbey of Neath was no proper place to keep the prisoners, Henry of Lancaster carried them to Monmouth castle till farther orders. When the queen heard the king and her principal enemies were in her power, she held a council, to know how she was to behave at that juncture. It was resolved in the council, that the bishop of Hereford should be sent to demand the great seal of the king, as well to hinder him from using it against the queen, as to be able to call a parliament, without which nothing could be done but what would want a lawful authority. If what had hitherto passed discovered to the king the designs of his enemies, this last circumstance fully convinced him, he should be no longer regarded, since by taking from him the great seal, he was deprived at the same time of the exercise of the royal authority. He delivered it however, without showing any reluctance, and gave the queen and his son power to use it as they pleased, even in matters of mere grace. This was the last act of authority performed by Edward, who shortly after was conducted to Kenelworth castle.

When the queen had the great seal in her possession, she used it to her own advantage, as well to order the payment of her debts, as to call a parliament in the captive king's name. She had not patience to stay till the meeting of the parliament, to be revenged upon Spencer and the rest of her enemies.

The

Prince Edward chose regent.

A.G. Pub. iv. p. 237.

The queen by proclamation invites the king to return.

The king taken and carried to Monmouth.

Ibid. Walsing. De la M.

He is sent to deliver the great seal.

A.G. Pub. iv. p. 237.

Ib. p. 237. Walsing.

A parliament called in the king's name.

A.G. Pub. iv. p. 242.

The earl of  
Arundel  
beheaded.  
Walsing.

Spencer and  
Simon de  
Reading  
hanged.  
Knighton.  
Walsing.  
De la M.

Baldoc dies  
in Newgate.

1327.  
The parlia-  
ment meets.  
Walsing.

Edward is  
deposed, and  
his son cho-  
sen in his  
room.

X Scriptor.  
Col. 2765.  
Walsing.

The earl of Arundel<sup>y</sup> had now lost his head by her orders at Hereford, where she had a mind to sacrifice the others to her vengeance. She marched to that city, ordering the prisoners to be conducted in a most ignominious manner, to expose them all the way to the insults and curses of the people. As soon as she arrived, she caused Spencer and Simon de Reading to be brought to their trials; of whom the first was hanged on a gibbet fifty foot high, and the other ten foot lower. As for chancellor Baldoc, as he was in holy orders, and it was not safe to proceed against him in the same manner, he was delivered to the bishop of Hereford, and carried to London. But in entering the city, the mob fell upon him, and terribly abusing him, threw him into Newgate, where he died of the blows he had received.

The favorites and ministers having thus received the reward of their pride and cruelty, the queen came to London, to take new measures concerning the parliament which was to meet. She entered the city in triumph, amidst the acclamations of the people, who called her their deliverer, and expressed their thankfulness for the pretended service she had done the state. The parliament meeting in January 1327, the first thing taken into consideration, was the deposing of the king, for which all were now so prepared, that the unfortunate king had not a single advocate to plead for him. It was unanimously resolved, the king should be deposed, and his son Edward made king in his room. The heads of the charge exhibited against him, were digested into several articles, of which some were very much aggravated, and others only bare repetitions, in order to swell the number. In general, he was accused of not having governed according to the laws of the land; of having made use of ill counsellors, and rejecting the advice of his faithful subjects. The articles were<sup>z</sup>.

“ I. For that the person of the king was not sufficient  
“ to govern; for in all his time he was led and governed by  
“ others, who gave him evil counsel, to the dishonour of  
“ himself, and destruction of holy church and all his people;  
“ not considering or knowing whether it was good or evil;  
“ nor would remedy these things, when he was requested by

<sup>y</sup> Edmond Fitz-Alan, descended from a daughter of the family of the Albini earls of Arundel. He was mortally hated by Mortimer. It was laid to his charge, that having married his son and heir to the daughter of Hugh le Despenser, he had been privy to his counsels, and had done the queen much prejudice

in her absence; and besides, had procured the death of Thomas late earl of Lancaster, with that of Gondomar de Valence earl of Pembroke. Knighton.

<sup>z</sup> The articles are here inserted at length, because it was thought they might be more satisfactory to the reader, than the abstract given by Rapin.

“ the

“ the great and wise men of his realm, or suffer them to be amended.

“ II. Also, in all his time he would not give himself to good counsel, nor take it, nor to the good government of his kingdom; but always gave himself to works and employments not convenient, neglecting the business of his realm.

“ III. Also, for want of good government he lost the kingdom of Scotland, and other lands and dominions in Gasconne and Ireland, which his father left him in peace and amity with the king of France, and many other great persons.

“ IV. Also, by his pride and cruelty, he destroyed holy church, and the persons of holy church, putting some in prison, and others in distress; and also put to shameful death, and imprisoned, banished, and disinherited many great and noble men of the land.

“ V. Also, whereas he was bound by his oath to do right to all, he would not do it for his own profit, and the covetousness of him and his evil counsellors which were with him; neither regarded the other points of the oath which he made at his coronation, as he was obliged.

“ VI. Also, he abandoned his realm, and did as much as he could to destroy it and his people; and what is worse, by his cruelty, and the default of his person, he is found incorrigible, without hopes of amendment. All which things are so notorious, they cannot be gainsaid.”

This act passing unanimously, young Edward was proclaimed king in Westminster-hall, by the name of Edward III. Then the archbishop of Canterbury preached a sermon on these words, “ The voice of the people, the voice of God;” wherein he endeavoured to vindicate what the parliament had done, and exhorted the people to pray to the King of kings for their new sovereign.

When the news of this rigorous sentence was brought to the queen, she seemed to be extremely moved, even to the bursting out into tears: but her outward grief little agreed with all her proceedings to dethrone her husband, much less with her passion for Mortimer, of which she gave such public marks, that it was impossible to be mistaken. The prince her son, whose youth made him less suspicious, was perhaps the only person that was affected with her counterfeit tears. Urged by his generous inclinations, he solemnly vowed not to accept the crown during the king his father's life, without his express consent. This vow disconcerted the measures

Pretended sorrow of the queen waiting.

The prince would not accept the crown without the king's consent.

Walsing.

of the parliament. They were afraid Edward the father would persist in keeping the title of king, though stripped of all his authority. In this perplexity, it was deemed absolutely necessary, to oblige him to resign his crown to his son. Pursuant to this resolution, the bishops of Lincoln and Hereford

The parliament obliges the king to resign his crown.

De la M. Knighton.

were sent to prepare him. Then the parliament nominated twelve commissioners, three bishops, three earls, two barons, two abbots, and two judges<sup>a</sup>, to whom was added judge Trussel, as the nation's particular procurator, to declare to him, that the people of England were no longer bound by their oath of allegiance, and to receive his resignation. Nothing showed so much their resentment against the unfortunate king, as their choice of the two first bishops<sup>b</sup>, whom he had all along looked upon as his enemies, and who indeed discharged their commission very rudely. Instead of giving him consolation, they insulted over his misfortunes, by endeavouring to persuade him, he was deposed for his own good, and to ease him of the weight of the government, that he might live more happily than he had hitherto done. But as their malicious discourse made no impression upon him, they plainly told him, unless he complied with the parliament, his condition would be rendered more unfortunate: adding, his obstinacy would be a great prejudice to his family; for, if he refused to resign the crown to his son, the nation was resolved to elect a king, not of the royal family. Upon these words they withdrew, in order to give him time to consider of his answer to the commissioners, who were coming to receive his resignation.

Sad state of Edward.  
De la M.

At the arrival of the commissioners, the unfortunate king came out from his bed-chamber in a mourning-gown, with looks demonstrating his inward trouble. As he was acquainted with the occasion of their coming, the sight of that formidable power, which had just despoiled him of royalty, made such an impression upon his mind, that he fell into a swoon, from whence he could hardly recover. As soon as he came to himself, the commissioners told him their message, and represented to him the ill consequences of his refusal. Then the unhappy prince, with a sadness that could not be seen without pity, answered, "That he submitted to whatever was re-

Walsing. Knighton, His answer to the deputies.

quired of him, with the greater resignation, as he acknowledged, his sins were the sole cause of his misfortunes."

<sup>a</sup> Walsingham says, that it was three bishops, two earls, two abbots, four barons, three knights from every county, and a certain number of persons from the cities and great towns, chiefly

from the cinque ports. So De la Moir, <sup>b</sup> Adam de Orleton, bishop of Hereford, and Henry Burwalche, bishop of Lincoln.

He added moreover, "that he could not behold without extreme grief, the aversion his people had for him; but if his sorrow could admit of any comfort, it was from the consideration of his subjects goodness to his son, for which he returned them thanks."

After this answer, he proceeded to the ceremony of the resignation, by delivering to them the crown, sceptre, and the other ensigns of royalty. Then Sir William Trussel, addressing himself to the king, spoke in the following manner, making use of a form of his own, in a case where there was no precedent to follow. "I William Trussel, procurator of the prelates, earls, barons, and people in my procuracy named, having for this full and sufficient power, do surrender unto you, Edward, late king of England, the homage and fealty of the persons aforesaid, and do acquit the same, in the best manner the law and custom can give it, and do make this protestation, in the name of all those that will not be in your fealty or allegiance for the future, nor claim or hold any thing of you as king, but account you as a private person, without any manner of royal dignity." After these words the high-steward [Sir Thomas Blunt] broke his staff, and declared all the king's officers discharged from his service. Thus ended the reign of Edward II. in the forty-third year of his age, having lasted nineteen years, six months, and fifteen days.

He resigns the ensigns of royalty.

A new procedure in this case. Polychron. i. 7. c. 43. Knights De la M.

This prince had a very mean genius, which permitted him not to distinguish what was for his advantage from what was for his hurt. He followed his humour, without troubling himself about the consequences, and without being able to remedy the misfortunes he thereby drew on himself. Though he had many failings, he may be affirmed to be more weak than wicked. To sum up his character in a few words, he was very like his grandfather Henry III. Edward his father, a much wiser prince than he, and taught by the misfortunes of the two kings his immediate predecessors, ever avoided, as a most dangerous rock, all occasion of quarrel with the nobles; chusing rather to give way a little, than hazard his quiet to gratify his resentment. The son had not a sufficient capacity to follow so good an example, or to improve by his instructions. He gave up himself entirely to his favorites, and chose rather to forfeit the affection of his people, than deny himself the satisfaction of heaping favours on those he loved. His weakness and incapacity drew on him the contempt of his subjects, which was soon changed into hatred, when he was seen to sacrifice all to his passions. He had the misfortune

Character of Edward II.

De la M. tune

tune to have a beautiful and amorous wife, who giving way to an infamous passion, compleated his ruin, for fear perhaps of being herself prevented. Certainly, he was treated too severely by his subjects, whose insolence increased in proportion to their sovereign's weakness. One cannot observe without wonder, that there was not a single person willing to draw his sword in his defence. I shall not undertake to determine how far, in those days, the rights of the people, with regard to the king, might extend: I shall only say, there was no precedent to follow; for this is the first instance, in the English history, of a king deposed by his subjects, at least since the conquest. Edward II. is taxed with being given to drink. Some speak of his fondness for Gaveston, so as to make it believed very criminal. Others, on the contrary, commend him for his continency: and indeed, we do not find he had any mistresses or bastards, like some of his predecessors. He founded Oriel-College and St. Mary-Hall in Oxford, and built a monastery for friars on his estate at Langley<sup>c</sup>.

*His issue.*

He had by Isabella of France two sons and two daughters. The eldest of his sons was Edward III. his successor: the youngest, John of Eltham, so called from the place of his birth, died in his brother's reign, without issue. Joanna, the eldest daughter, was married to David king of Scotland: Eleanor, the second, was wife of Reynald duke of Guelders<sup>d</sup>.

*An earthquake.*

*Suppression of the Templars. M. Paris, p. 67. Walsing. p. 69.*

I shall close the history of this reign with two events; which I have not had occasion to speak of elsewhere. The first was an earthquake, the most terrible that had ever been felt in Great Britain. The second was the suppression of the order of the Knights Templars in England and all other Christian states. This order was first instituted at Jerusalem; in

<sup>c</sup> The honour of founding Oriel college is attributed to Edward II. though he did little more than grant licence to Adam de Brom, his almoner, in 1324, to build and endow a college, to be called St. Mary's House. To this society king Edward III. in the first of his reign, gave a tenement called l'Oriele, on which ground stands Oriel college. The present St. Mary's hall was a long time the parsonage house to the rector of St. Mary's; which church being appropriated by Edward II. to the college founded by de Brom, the house came also in their possession, and was soon after allotted for the residence of students. *Clarend. Add. Oxfordshire.* But if Ed-

ward II. was not the founder of that college, it is certain he founded in Oxford, 1313, a house for Carmelites or White Friars. *Stow's Ann. p. 217. Id. 1317, February 14, died Margaret, relict of king Edward I. and was buried in the choir of the Grey Friars church in London. Id. p. 219.*

<sup>d</sup> She was married to him, with a fifteen thousand pounds portion, in 1336, in the sixth year of Edward III. This earl Reynald, being vice-general of the empire to the emperor Lewis of Bavaria, he created him the first duke of Guelders. Eleanor had by him two sons, who both died without issue.



the reign of Baldwin IV. \* for the defence of the holy sepulchre, and protection of the pilgrims that resorted thither from all parts. Hugo de Paganis and Geoffrey de St. Ademar were the founders. The knights of this order were at first called the Poor of the Holy City; afterwards they had the name of Templars, because their first house was near the Temple: hence it is that all their houses were styled Temples. The order was confirmed in the council of Troye, 1127, and its rule composed by St. Bernard.

After the downfall of the kingdom of Jerusalem, about the year 1186, this order was dispersed over all Europe, and increased prodigiously by the liberality of the Christians †. Riches soon changed the manners of the knights: in process of time their scandalous lives, joined to an insupportable pride, caused them to be as odious as they were esteemed in the beginning of their institution ‡. Philip the Fair, king of France, being disoblged by those of his kingdom, and not content with punishing the offenders, attempted the ruin of the whole order, by means of pope Clement V. whom he had artfully gained §. In the first place, he ordered all the Templars in France to be seized, as well as the grand master of the order, who resided in Cyprus, and by the pope's order was come to Paris. Then upon a charge exhibited against them, that at their reception into the order they denied Jesus Christ, and spit upon a crucifix, he caused fifty-seven to be burned, among whom was the grand master. To this accusation was added others of heresy, sodomy, and other numberless crimes. To oblige the king of France, Clement V. earnestly pressed Edward II. to follow the example of Philip his father-in-law. After much solicitation, he obtained at length that all the Templars in England should be seized (as they were in France) in one day. Edward being prevailed with, in expectation of their estates, which were very considerable, held a national synod at London, where they were condemned. However, they were not treated so rigorously as in France: they were

Puteanus  
Hist. de la  
Condam.  
des Templ.

AA. Pab;  
tom. iii.  
P. 30—294.

\* In the year 1188, Mat. Paris. p. 67.

† They were possessed at their dissolution of sixteen thousand lordships, besides other lands. Heylin's Cosmog. lib. iii.

‡ It was a common saying, To drink like a Templar. Coll. Eccl. Hist.

§ Walsingham says, that Philip king of France had a mind to make one of

his sons king of Jerusalem; so, to obtain their riches for this son, it is probable he caused that order to be dissolved: or else perhaps that king and the pope, envying the riches as well as magnificence of this order, might agree together to dissolve it, that they might share their wealth and great revenues between them. Walsing. p. 99. See Tyrell, vol. iv. p. 233.

only dispersed in the monasteries to do penance, with a moderate pension paid out of the revenues of the order. The severities exercised upon them in France and England would no doubt have sufficed, if the design had been only to chastise them; but their destruction was determined. Clement V. agreeing in this point with Philip the Fair, caused strict enquiry to be made, and many witnesses to be heard, who accused not some particular knights only, but the whole order of the most enormous crimes. If these depositions were well attested, one can hardly conceive it possible there could be so detestable a society among Christians. But all were not equally persuaded of the truth of these evidences, particularly as to what concerned the order to general. These preparations being made, the pope called at Vienne in Dauphine a general council, where he presided in person, and where Philip was pleased also to be present, to promote the condemnation of the order. But they did not find the council disposed as they expected. The bishops could not think of condemning men that were not convicted, or even summoned before the council to answer for themselves. These proceedings of the pope without hearing what the order could allege in their defence, did not appear sufficient to the council, who wished that things were done in a more legal manner: so the pope was obliged to use the plenitude of his apostolical power, in suspending the order for ever, by a bull read in the second session. As the council was not prepared for it, no man ventured to oppose the bull, and their silence was taken for an approbation, according to the method some time established. By the same bull the pope reserved to the holy see the disposal of the estates of the Templars; and shortly after, Clement assigned them to the Hospitallers or Knights of St. John of Jerusalem, called at this day Knights of Malta. Edward II. who had taken possession of the estates of the condemned order, in vain opposed the pope's grant to the Hospitallers, and insisted on the prerogative of his crown, by which all confiscations were adjudged to him. The troubles in England during his reign would not permit him to keep possession<sup>1</sup>. Thus the whole order of the Templars were made to suffer the punishment which doubtless some of their members deserved, but which probably was not due to all.

1 & 2. Pub.  
am. iii.  
p. 326, 956.

<sup>1</sup> The possessions of the Knights of St. John of Jerusalem, by the parliament which met in the beginning of Lent, 1324, when the Statutum de terris Templariorum was enacted. Wall. p. 120.

HAVING in the last coin-note spoken of the persons that sat and acted at the exchequer during the second period, I shall consider, II. the business of the exchequer during the same, which may be ranked under three general heads: 1. Affairs of the revenue. 2. Causes. 3. Business of various kinds. 1. There was in the exchequer a great variety of business, springing from things incident to the revenue. Fines of divers kinds were imposed, and amercements set by the treasurer and barons. They sometimes surveyed the king's manors, and committed or demised the same. They also committed (by the king's command and assent) the counties to sheriffs, and removed them from their bailiwicks. In fine, it was the business of the treasurer and barons to speed the levying and getting in of the king's debts, and manage the crown-revenue to the best advantage. Nevertheless, if the king thought them remiss, or wanted money very urgently, he would send writs or messages to them, to hasten the getting in of money, in such manner as he directed. 2. Pleas and causes: though after the separation of the common pleas from the king's court and palace, it was forbidden by the great charter, and afterwards by an ordinance, to hold common pleas in the exchequer, yet, in fact, some common pleas were still holden; and the king sometimes gave leave to particular persons to bring their suits and recover their debts there. In suits moved between parties in the exchequer, the king granted preference to one person, namely, that he should be paid before other creditors. 3. Under the head of business of various kinds, we may place conventions and recognitions, which were frequently made in the exchequer, and the presentation and admission of officers of the exchequer, as will be seen hereafter. Several officers of the exchange, and coinage of money, were from time to time presented and sworn in the exchequer, as well as some others, who were officers at large, as customers and commissioners of perambulation of forests. Particularly the mayors and chief officers of towns, escheators, etc. were presented at the exchequer. The citizens of London, after they had chosen a mayor, used to present him yearly on the morrow of St. Simon and St. Jude, before the treasurer and barons, who swore and admitted him to his office; so likewise their sheriffs on the morrow of St. Michael: thus Nicholas Batt their mayor, 28 Hen. III. was presented by the citizens; and 9 Edw. II. the mayor, etc. presented their sheriffs, Hamon Godchep and William Buddele. If the sheriff of London did not come to the exchequer at the king's command, to take upon him the office of sheriff, he was to be amerced. Sometimes sheriffs of counties, under-sheriffs of hereditary ones, etc. were sworn in person at the exchequer. Several of the king's tenants in capite, by knight's service, did their fealty; and others who held of the king in capite, by rent service, paid their rent at the exchequer. Walter le Brun, farrier, at the Strand in Middlesex, was to have a piece of ground in the parish of St. Clement, to place a forge there, he rendering yearly six horseshoes, Mag. Rot. 19 Hen. III. This rent was anciently wont

to be paid at the exchequer: it is still tendered there to this day by the mayor and citizens of London, to whom, in process of time, the said piece of ground was granted. During the second period (as well as during the first) the chief justiciary, the treasurer, the barons, and council at the exchequer, did sometimes act in affairs relating to the public peace, and to the government and defence of the realm. In general, the business and acts of the court of exchequer were wont to be entered or recorded in several rolls, the principal whereof were the *Rotulus annalis*, or Great Roll of the Pipe, of which I have spoken in the last coin-note; and therefore shall only add here, that the chancellor of the exchequer (who seems to have been appointed to be a check upon the treasurer) from ancient time caused a counter roll of the treasurer's great roll to be made up every year. There are some of these *Rotuli cancellarii* more ancient than the reign of Henry III. This observation may serve to resolve a doubt which the antiquaries have hitherto lain under: for example; there is in the Record office in the Tower of London, a duplicate great roll of 6 Rich. I. and another of 7 John: and there is another of 3 John, in the custody of the treasurer and chamberlains of the exchequer. The great rolls of which several years are in the repository of the Pipe. And in the same repository there are two great roles of 4 John. Now all these duplicate rolls Mr. Madox takes to be *rotuli cancellarii*. The next records were the *Memoranda*, or Remembrances. A remembrance was anciently wont to be made for every year, in each of the remembrancer's offices. On the parts of the treasurer's remembrancer, each yearly bundle contained several heads or titles, such as *Communia*, the Common Business; *Compota*, or Accompts; *Vifus*, Views; *Adventus*, the Advents of the Accomptants; and other titles. So also the memoranda on the part of the king's remembrancer have the like heads or titles. Of the originals of the Chancery, which were wont to be repositied in the treasurer's remembrancer's office, I shall speak hereafter. In the memoranda of the exchequer was entered great variety of business: for instance the king's writs, and precepts of many kinds relating to the revenue, tenures, etc. commissions of bailiwicks, custodies, farms, etc. presentations and admissions of the officers of the exchequer, and other officers; pleadings and allegations of parties; judgments and awards of the justiciary, the treasurer and barons, and the king's council; recognitions of debts, and conventions of divers kinds; accompts, views of accompts, with several acts relating to accomptants; inquisition of sheriffs, escheators, etc. advents of sheriffs, escheators and others, and in general, all those things which were comprised under the term *Communia*, or Common Business. There were also memorandums entered in these rolls "*pro commodo regis*," to controll accompts, or to save the king's rights, either by way of *Memorandum pro rege*, or of *Loquendum cum rege*, or *cum justiciario*, or *cum concilio regis*, etc. The judgments and awards of the chief justiciary, and of the treasurer and barons, were commonly entered in

The rolls, in the terms "*confideratum est*," or "*concordatum est per iusticiarium*," or "*per thesaurarium et barones*," and sometimes "*provisum est*," and "*adjudicatum est*." But other words were also sometimes used, as "*ordinarunt*," "*præceperunt*," etc. These and the like terms were also used in other judicatures. In Glanvil it is said, the tenant or defendant should be discharged by judgment of the court, "*per considerationem curiæ*." lib. ii. cap. 18. In the business of the exchequer (as to pleas and accompts) there was frequent use of writs or letters from the king to the treasurer and barons, signifying to them his pleasure concerning matters depending before them: these passed under the great or the privy seal. Sometimes messages were brought by living messengers. The most frequent of these writs or messages were, to do justice or right to parties; to shew favour to parties; to give dispatch to parties. In process of time this correspondence between the palace and the judicial courts, or the practice of sending writs or other messages to the judges of the king's courts, was in many cases forbidden by statute. But this restriction was not till after the second period, or the reign of Edward II. Thus much of the Business: I come now, III. to the Accompts of the Exchequer. As the sheriffs were the most considerable accountants to the crown, the method of accompts at the exchequer will be best learnt from those of the sheriffs. The account of a sheriff was divided into certain formal parts; the Profer, the Visus compoti, the Summa or Making of the Sum. The Profer was a prepayment out of the sheriff's ferm and corpus comitatus, and out of his proficuum and the summonces. It was probably called Profrum, a proferendo. If this profer was not paid, the accountants were amerced, or otherwise punished. The Visus compoti, or View of Account, was the entrance or fore part of the account, which stood "*de bene esse*," whilst the sheriff was purifying or liquidating his account, by producing his Warranta or Vouchers, by virtue whereof he was to have an allowance or discharge of any sums charged on him. After the view was made, he proceeded to the Summa, to make or cast his sum, which was always at the end of his account. Another way of considering the manner of a sheriff's account, is as it stands in the Great Roll. When he accounted as Firmarius, his account consisted of several parts, the Corpus comitatus, the Remanens firmæ, after Terræ datæ; the Crementum, if any; the Proficuum, or Firma de proficuo; the Issues of escheats and Purprestures, Fines, Oblatas, Amerciaments of divers sorts, Escuages, Aids, Tallages, and Casual Profits: Ferns or issues of Towns, Burgs, Gilda or Lands, which were within the sheriff's charge, and the like. The Corpus comitatus consisted of several manors and lands, which being let or committed together to the sheriff, made the fund out of which the annual ferm to the crown arose: these manors or lands lay within the sheriff's county; but, by some accident, certain manors in Cornwall belonged to the ferm of Devonshire. Mag. Rot. 5 Hen. II. In time, the king's charged the corpus comitatus with certain payments of alms

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and liveries, called *Eleemosynæ* and *Liberationes constitutæ*; and also granted away part of the lands. Hence came the distinction of the *Terræ datæ*; for when some of the lands, out of which the sheriff's ferm arose, were granted away, it was fit he should have allowance for so much as the *terræ datæ* bore in the *corpus comitatus*. The sum to be answered for, after that deduction, was called *Remanens firmæ post terras datas*. The lands thus granted away were sometimes said to be "*missæ extra comitatum*." Besides these, there was a third settled payment, viz. the *Tertius denarius*, wont to be paid by the sheriff out of the *corpus comitatus*, to the earl of the county. There were also casual payments, such as occasional provisions or disbursements of various sorts. There was a way of computing the value of the several things that made up the *corpus comitatus*, viz. such a manor or land, "*portat in corpore comitatus*," so much. When the sheriff was not the ferner, but *custos* of a county, he did not answer in this manner, but was a kind of a *Proficuarius*, or Bailiff, and was to account for the *Proficuum* of his county, and to be discharged of the ferm. In entering the sheriff's accounts in the Great Roll, by a provision in 54 Hen. III. the *corpus comitatus* was written first, then the settled alms and liveries, and the warrants for the sheriff's disbursements, etc. But 22 Edw. I. it was ordered that the *corpus comitatus* should not be written every year afresh in the Great Roll, but in a particular roll by itself, and out of that roll should be read every year to the sheriff upon his account: but that the *remanens firmæ*, after the *terræ datæ*, should be written in the Great Roll. The sheriffs generally accounted from Michaelmas to Michaelmas. Edward I. ordained that the sheriffs should be escheators in their respective counties. If a man held a bailywick, and executed it by a substitute, the immediate bailee was to pay the accounts of the issues of the bailywick. The stated accounts were rendered regularly in course every year. In general, accountants were obliged to come in person to render their accounts. If they made an attorney, it was usually by the king's leave, and afterwards by warrant of the treasurer, chancellor, or barons, or one of them. Accounts were to be rendered at the exchequer upon oath. In some records mention is made of the accountants answering "*per fidem*," or "*per verum dictum*," which Madox imagined to be a *Voirdire*, or a Declaration upon their Faith or Allegiance. Where one was indebted to the king and likewise to another person, the king's debt was to be preferred in payment. If one was indebted to the crown, such debtor could not make a will to dispose of his chattels to the king's prejudice; nor could his executors have administration of his chattels, without permission from the king, or the justicier, or barons of the exchequer; and if it was doubtful whether the deceased's effects would satisfy the debts due to the king, it was usual for the king to seize into his hands the chattels of the debtor. If the king's debtor was unable to satisfy the king's debt out of his own chattels, the king would betake himself to any third person

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who was indebted to the king's debtor; and upon recovery of such debt, the third person was acquitted against the king's debtor. The heir of the king's debtor was not to be distrained for the king's debt, in case the chattels of the king's debtor were sufficient to answer it. The widow of the king's debtor was not to be distrained by her dower to answer the king's debt, in case the heir had sufficient to answer it; neither were sureties to be distrained so long as the principal debtor had wherewithal to answer the debt. By the ancient usage of the exchequer, the king's debtors or accomptants were wont to have writs of aid to recover their debts of such persons as were indebted to them, in order to enable them to answer the debts they owed to the king. When the sheriff or other officer having the summonce of the exchequer, had levied or received the debt due from any person to the king, he was to give the debtor an acquittance or tally of discharge, and afterwards acquit the debtor of such debt at the exchequer. In case of distress, it was the duty of the sheriff to sell it at a reasonable price; and to prevent frauds, by an ancient statute, 27 Hen. III. certain persons were to be assigned to approve the same to the sheriff. Sheriffs were to notify the time of their accompting, to bailiffs of liberties, and other persons concerned. The king's debtors found sureties, if required: they were usually called Plegii, Obfides, and Manucaptors. Sometimes the pledges were remarkably numerous. Writs of the great and privy seal were frequently used, both in reference to accompts and other business at the exchequer. Allowances or discounts were usually made "per warrantum," either by virtue of the king's writ, or by a writ or award of the chief justicer or other baron of the treasury. Hence arose the great number of writs of Allocate and Computate. Atterminations were given by the treasurer and barons to the king's debtors, by virtue of the king's writ directed to them; and in like manner respites and discharges. By Attermination is meant, granting men several terms or days for payment of their debt, when they could not pay it at once. Sometimes men were discharged by the chief justiciary, or by the treasurer and barons, without any especial writ. Sometimes both debts and accompts were discharged by the king's pardon. If upon the accompt viewed or stated, the crown was found indebted to the accomptant, the sum in which the crown was so indebted, was called Superplus, or Superplusage; probably because it was so much more than the accomptant's receipts. If an accomptant did not come to render his accompts, or did not pursue the same in due manner, he was punished by distress and seizure of land, and by amercement. If he did not answer the debts or sums wherewith he was charged, he was committed to the Marshalsea, or Fleet-prison, or Tower of London. If accomptants departed from the exchequer before their accompts were speeded, they were, if commoners, to be attached by their bodies: lords and others, who claimed to have franchises within their feignery or liberty, were to come yearly to the king's exchequer, when the sheriff of their county was passing his accompts; and then they were

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to render an account there of the issue of their franchise, and were allowed so much as they were rightfully intitled to by charters from the crown. But if the said lords and others failed to appear, etc. it was usual for the king to seize their franchise. The accountants at the time of passing their accounts, did sometimes sit upon a bench in the court of exchequer. As money was sometimes paid in, so accounts were rendered at the Camera regis. Debts were put in charge many ways; by virtue of the king's writ; by writ or testimony of the justiciary or baron; by judgment or award of the justiciary, etc. in court; by the rolls or estreats of the justiciars; by the acknowledgment of the parties; from the original of the chancery; and by other ways. The chancery, in the most ancient times, was usually holden at the exchequer; or, many or most of the chancery-writs were then dispatched and sealed at the exchequer, where the great seal was commonly kept. When therefore the chancery was separated from the exchequer, and the charters, writs, and precepts of the great seal came to be entered by themselves in the Rotuli cancellarie (such as charter-rolls, patent-rolls, etc.) at or about the beginning of king John's reign; then, as it seems, commenced the method (which has been continued ever since) of sending estreats from the chancery to the exchequer. In fact, from the beginning of king John's reign they wrote every year the said Rotuli cancellarie, and afterwards made estreats thereof; which estreats were transmitted into the exchequer, and were called Originale, or Originalia, and Extracta cancellarie. They were written out of the fine-rolls, patent-rolls, and other rolls of the chancery: and out of them fines, farms, etc. were taken and put in charge at the exchequer for the king's profit. Estreats were also made of fines, amercements, and such like, from the court holden "coram rege," or from the common bench, and from the iters, etc. These were called the Foreign Estreats, and were sent out in another summons than that which was awarded for the debts contained in the originals. If these estreats were not brought in, in due time, a writ was issued to the persons or justice before whom they lay, to bring them in. Tallies were of great and constant use in the exchequer, coeval with the exchequer itself in England: the word is French, and signifies Cutting. The tallies were pieces of wood, cut in a peculiar manner of correspondency; for example, a stick or rod of hazel, or other wood, well seasoned, was cut square and uniform at each end, and in the shaft. The sum of money which it bore was cut in notches in the wood, by the Cutter of the Tallies; and likewise written upon two sides of it, by the Writer of the Tallies. The tally was cleft in the middle by the Deputy-chamberlains, with a knife and mallet, through the shaft and the notches; whereby it made two halves, each half having a superscription, and a half part of the notch or notches: a notch of such a largeness signified *m. l.* of another largeness, *c. l.* etc. It being thus divided, one part of it was called a Tally, the other a Counter-tally, or a Tally and a Poil, Folium. Sometimes the parts were called *Scachia* and *Contratallia*. However these were in effect



one tally, or two parts of one thing : and if they were genuine they fitted so exactly, that they appeared evidently to be parts the one of the other. Their use was to prevent frauds. Tallies had a superscription, importing of what nature they were, and for what purpose given. Counters were sometimes used at the exchequer in the way of computation : in which case the counters were laid in rows upon the several distinctures of the chequered cloth, viz. one row or place for pounds, another for shillings, etc. In the seventeenth of king John, ten shillings of Venetian money (valued at xv s.) and two besants (valued at 111 s. and vi d.) were used at the exchequer for counters. Mag. Rot. 17 John, Rot. 6.

I come now in the last place to the officers or ministers of the exchequer. The principal officers of the great or superior exchequer were, the two Remembrancers, the Engrosser of the Great Roll, the Usher, the Constable, the Marshal, the Auditors, the Clerk of the Estreats. 1. There were anciently at the exchequer two Remembrancers : they were sometimes called Rememoratores regis ; in time one came to be called the King's, the other the Treasurer's Remembrancer ; and their offices were distinct, as appears by distinct bundles of Memoranda, which have been made up in their respective offices, and remain there from very ancient time to this day. In 6 Ed. II. Adam de Limburgh, one of the remembrancers, had xxl. yearly stipend allowed by the crown for executing his office ; and William de Everdon, the other remembrancer, xl. marks a year, for himself and clerks. Lib. 6 Edw. II. 2. The Engrosser of the Great Roll was a most ancient and a considerable officer in the exchequer : though the name of this office does not occur in most ancient times after the Conquest, yet it is doubtless as old as the exchequer itself, that is, there was always some person or persons employed to write the Great Rolls. In 19 Edw. II. the engrosser and the treasurer's remembrancers were allowed two clerks each, and were to receive an additional salary for their maintenance of twelve marks yearly. Trin. Com. 19 Edw. II. 3. The office of Usher was a very ancient and hereditary office : he had several that acted under him in the great exchequer, in the exchequer of the Jews, and in the common bank : many curious and uncommon memoirs relating to this office occur in records. Vide Madox's Hist. Exch. p. 718. It was the usher's duty to keep the exchequer safely, and to take care of the doors and avenues to it, so that the king's records might be in safety. He likewise transmitted the writs of summonces, which issued out of the exchequer for the king's debts, that is, caused them to be delivered to their respective sheriffs to whom they were directed. This office was held of the king in capite by serjeanty. 4. The Constable of the exchequer was deputy to the constable of England, and was nominated by him. There can be little said of his duty, only he seems to have had in some case, a concurrent or like power with the marshal. In ancient time there was also a constable in the court of common bench who enrolled essoins, and did other ministerial acts. 5. The office of Marshal of the exchequer is very ancient : he was appointed by the marshal of England. Whilst an account pended,

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he had the keeping of several sorts of writs and vouchers produced by debtors or accomptants: these he kept in farules or bins, or in filets or files, or in a purse or bag. The *Farulus marescalli* is often mentioned in the exchequer-records. When an accomptant, having been sworn to accompt, did not do it, or made default at any day prefixed to him, or did not duly answer the arrerages of his account, he was committed in custody to the marshal, to remain prisoner till the court made a recess. The word Marshal seems to have been sometimes used with latitude: the persons that were employed at the exchequer in arresting accomptants or other delinquents, were sometimes called by that name. 6. In process of time there were officers at the exchequer called *Auditors compotorum scaccarii*. They seem to be first appointed in the reign of Edward II. being then called "*clerici nuper deputati*." The accompts of some parts of the revenue were before usually audited either by some of the justices, or barons, or by clerks, or persons assigned *hac vice* for that purpose, by the king, or the treasurer and barons. 7. Little occurs within the time of the second period, concerning the Clerk of the *Estreats* and *Foreign Summonces*. In 18 Edw. II. all the *estreats* which were in the custody of the treasurer's remembrancer, were, by command of the treasurer and barons, delivered to John de Chisenhale clerk of the summonces. 8. There was also a *Clericum breviarum de scaccario*. He belonged to the office of chancellor of the exchequer. Amongst the officers of the exchequer, during the second period, may be reckoned the Chamberlains. In the first period, the chamberlains in fee, who were great officers in the king's court, sometimes sat and acted in person in the king's exchequer, and are numbered amongst the barons there; but afterwards the chamberlain in fee usually deputed others to execute their offices for them, both in the great exchequer and at the receipt. The persons so deputed, were at first knights. In such case the chamberlains in fee was to come regularly in person, and present his deputy to the treasurer and barons; and thereupon the deputy used to be sworn and admitted, But sometimes he presented his deputy by his steward, or other attorney; and sometimes by letters patent, directed to the treasurer and barons. Sometimes also he presented his deputy to the king himself, and then upon the king's writ such deputy was admitted. The treasurer and chamberlains had under them certain clerks, who during their attendance on the king's business, were at livery or allowance from the king. These clerks were usually called, during the first period, *Clerici thesaurarii et camerariorum*, and *Clerici de thesauro*, or *de recepta*, without distinguishing them from one another by particular names of office. Hence hath arisen some obscurity. The *clerici thesaurarii* seem to have been the officers afterwards called Clerk of the Pells, Writer of the Tallies, etc. and induced all the officers of the receipts, except those whose offices were *serjeanties*, or related immediately to the chamberlain's office. In the upper exchequer there are but few memorials concerning the officers or clerks of the receipt. The clerkship of the Pells is probably ancient. There is in the treasury at the receipt of exchequer,

quer, a pell, or it may be a counter-pell, of 9 Hen. III. In 35 Hen. III. the Pell Roll is called Magnus rotulus de recepta. In 28 Hen. III. Simon de Westminster was chosen one of the Tellers of the Exchequer. At the receipt of exchequer were also some serjeanties, or hereditary officers, namely, a Pesor and Fusor. The office of Pesor, Ponderator, or Weigher, was the serjeanty, which, in the fourth of king John, was vested in Thomas de Windesore, and remained in that family for some time afterwards. Another serjeanty was the Fusorie. By Fusor we are to understand Melter. One William was fusor in the reigns of king Henry II. and Richard I. Concerning the Usher of the Receipt, nothing remarkable occurs within this period. I shall conclude with a few instances of the allowance made to several ministers of the receipt of exchequer, for their liveries and corrodies, and other necessities. In 9 Hen. III. the liveries of the ministers of the exchequer for fourscore days, from the feast of St. Michael till Monday next after the feast of St. Lucius, were, to three scribes c s. to the two knights of the chamberlains viii marks: to John de Windesore 111 l. to John the fusor 11 marks and a half: to Simon Druel 11 marks and a half: to the four tellers 111 l. to the vigill, and for light, x s. for a hutch to lay up the memoranda vii d. for rodde for the tallier v s. for parchment for the use of the chamberlains, and the chief justicier's clerk, 111 s. for ink, during the whole year, 111 s. for litter for the chamber of the barons, and house of receipt, xii d. for necessities for the said chambers, xx d. for ten dozen of hutches, xx s. for wax, 11 s. for leather for the tallier, ix d. for a hutch to lay the inquisitions in, 11 d. for the marshal's hutch, xii d. for a sack to put the allowed tallies in, xiiii d. for carrying and re-carrying the hutches, v s. for a tonell, to put in the 12 marks sent to the king at Oxford, by R. bishop of Chichester, xii d. for locks, bolts, and other small expences, 111 s. Total, xxiiii l. xiiii s. viii d. Ex Pelle Recepte de anno 9 Hen. III. Rot ult. indorso. pence Theof. et Camer.



E2.

Edward II's coins (if ever he coined any money, which Nicolson says cannot be certainly affirmed) are in all respects like his father's, and distinguished from them only by name, viz. EDWA. EDWAR. or EDWARD. ANGL. DMS. HYB. On the reverse, the names of several cities in England and Ireland, as CIVITAS LONDON. LINCOL. DVBLIN. WATERFORD, etc. The title of Dominus Hybernix is never wanting on his coin. Nicolson observes, neither our histories nor laws afford us any light as to this king's money.

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THE  
HISTORY  
OF  
ENGLAND.

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BOOK X.

*The Reigns of EDWARD III. and RICHARD II. containing the Space of Seventy-three Years: with a Dissertation on the Salic Law; and the State of the Church from 1272 to 1399.*

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II. EDWARD III. surnamed  
OF WINDSOR.

2327. **T**HE deposing of Edward II. procured not the English all the happiness they were made to expect. If they saw themselves freed from the troubles that disturbed the late reign, it was only to fall into a no less incommodious state. The government of a weak and imprudent king was not more dangerous than that of a minor prince under the direction of a passionate mother and a young unexperienced minister, more presumptuous and less able than the Spencers. Accordingly the people quickly found they had not gained much by the change. Happily for them Edward's minority

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Minority was of no long continuance. As soon as the young prince had taken the government upon himself he converted the misfortunes of the late reign into blessings, and the injuries received from France and Scotland into glory and triumphs. A remarkable instance, which shews that the prosperous condition of a state depends less on its own strength than on the prudence of him that sits at the helm. This is what we are going to see in the present reign, which is justly ranked amongst the most illustrious of the English history.

When the commissioners, sent to Kenelworth, were returned with Edward II's resignation, his son was proclaimed under the name of Edward III. and crowned a few days after<sup>a</sup>. The queen and Mortimer, whose interest it was to make the whole nation accomplices of their violent proceedings, affected on that occasion to cause a coronation medal to be struck, importing the universal consent of the people to the present revolution: on one side was the young king crowned, laying his scepter on a heap of hearts, with this motto, POPULO DAT IVRA VOLENTI. On the reverse, a hand held forth as it were saving a crown falling from on high, with these words, NON RAPIT SED RECIPIT<sup>b</sup>.

Edward III.  
proclaimed  
and crown-  
ed.  
J. Barnes,  
Waiting-  
waiter.

Though Edward was but in his fourteenth year, he had already a mature judgment and a penetration uncommon to that age: however, in compliance to the laws of the land, the king must have governors, and the state regents. The parliament chose twelve from among the bishops, earls, and barons, of whom Henry of Lancaster was declared the chief<sup>c</sup>. The queen opposed not this nomination: but as she had the power in her own hands, she seized the government, and shared it only with her creatures. Roger Mortimer, who had

The parlia-  
ment names  
the regents.

But the  
queen  
seizes the  
government.

<sup>a</sup> He began his reign January 20, was crowned the 26th at Westminster, by Walter archbishop of Canterbury, and on Candlemas-day received the order of knighthood from the hands of the earl of Lancaster. Rymer's Fœd. tom. iv. p. 244.

<sup>b</sup> This is Joshua Barnes's account in his life of Edward III. who tells us he saw one of these medals at a friend's chambers in Gray's Inn. But bishop Nicholson thinks they were very widely mistaken that first ascribed these medals to this prince; for, as he says, there is nothing in the legend that looks that way, and the inscribed fancies are too bright for those times, and favour of a much more polite age. *Mss. Lib.* part III. p. 250.

<sup>c</sup> There were five bishops, two earls, and five barons: their names were, Walter Reginald archbishop of Canterbury, William Melton archbishop of York, John Stratford bishop of Winchester, Thomas Cobham bishop of Worcester, and Adam Orlerton bishop of Hereford; the earls were Thomas of Brotherton earl marshal, and Edmund of Woodstock earl of Kent; the barons were, John lord Warren, Thomas lord Wake, Henry lord Percy, Oliver Ingham, and John lord Ross; besides Henry earl of Lancaster, Lincoln, Leicester, and Derby, who was deputed to have the chief care of the king's person. *Leland's Collect.*

Walsing.  
De la M.

as great an influence over her, as Spencer the son had over the late king, executed the office of prime minister, and managed the affairs of the kingdom according to his pleasure. As the parliament was at the queen's devotion, she procured the grant of a dower, exceeding two thirds of the revenue of the crown. At the same time, a hundred marks a month were assigned for the maintenance of the deposed king. A sum more than sufficient for the expences of that unfortunate prince, who was treated in his confinement after a very indecent manner.

The parliament annuls the sentences passed in the late reign.  
Act. Pub.  
iv. p. 246,  
256, 257.

The animosity shewn by the parliament in their proceedings against Edward II, encouraged such as were sufferers whilst the Spencers were in power, to petition to be restored to their estates and honours: The parliament, willing to justify their late conduct, reversed all the judgments passed in the foregoing reign, as well against the late earl of Lancaster<sup>4</sup> and his adherents, as against those that favoured the designs of the queen. It was pretended, they were contrary to law, and manifestly extorted by the credit of the favorites. Perhaps this gave occasion to some historians to say, that Edward III. was pleased to begin his reign with a general pardon: But if by a general pardon be meant the reversing the foremention judgments, the honour of it is not to be ascribed to the king. He not only did nothing of himself, but it is certain that herein the sole motive was to disparage the late government and favour the queen's party. For the same purpose, the king was persuaded earnestly to solicit the court of Rome for the canonization of the earl of Lancaster, beheaded at Pontefract. He was made to say in his letter to the pope, that the miracles wrought at his tomb, were a clear evidence, his punishment was a real martyrdom. In fine, all the proceedings of the queen and parliament tended solely to justify their conduct with regard to the late king, which doubtless would have been deemed very criminal if it had not been crowned with success.

The king demands the canonization of the earl of Lancaster.

Ibid. p. 249,  
Ac. 269.

The king of Scotland breaks the truce.  
Buchanan.  
Act. Pub.  
iv. p. 270,  
281.  
Froissart,  
l. 1. c. 15.

The tranquillity England hoped to enjoy under the new king, who was in peace or in truce with all his neighbours, was disturbed by an incursion of the Scots on the borders. Robert their king, though in an ill state of health, and of a great age, believed he ought not to suffer the minority of the king of England to pass without reaping some advantage. He was afraid likewise that a too long repose might enervate his subjects. In his circumstances, he thought it necessary

<sup>4</sup> And restored to his brother Henry all his estates. Rymer's Fed. Tom. iv. p. 421.

to keep them in breath, knowing they had to deal with formidable enemies, who in making a truce with them, had not departed from their pretensions. These are the most probable reasons of the rupture, which Buchanan justifies only by saying, it is to be supposed that Robert was swayed by powerful motives. Be this as it will, he put Randolph, earl of Murray, and Sir James Douglas, at the head of twenty thousand men, and ordered them to ravage the borders of England\*. Edward could not bear the news of the irruption, without an eager desire of signalizing himself in the defence of his kingdom. Though they who governed in his name had no inclination for war, they did not think it for their interest to suffer such an insult. Their authority might have been shaken, if on that occasion they had shewn any sign of weakness or cowardice.

The opinion of the council being agreeable to the king's desires, an army of sixty thousand men was raised, including the troops brought by John de Hainault into England. The whole army being come to York, Edward was going to head them, when a sudden quarrel arose between the English and Hainaulters, wherein many were slain. As the English were the aggressors, justice could not be done to the foreigners, without displeasing the army. So the court was forced to stay longer at York than was at first designed, in order to compose the difference, before they took the field. This delay gave the Scots time to pass the Tine between Carlisle and Newcastle, and to ravage in a barbarous manner the country on this side the river. They had four thousand men at arms: The rest of the troops were mounted on little swift horses, in order the more easily to make incursions and retreat: The news hastened the king's departure. Though he did not know exactly where the enemies were; he marched in quest of them, guided only by the fire and smook of the houses, still burning in the road. What speed soever he made, he could not possibly overtake them. As they had no infantry, nor were encumbered with much baggage, they made such extraordinary marches, that not only they were out of the reach of the English army, but at such a distance that there was no tracing them. The uncertainty of the place where they were retired, causing the king to despair of meeting them, he called a council of war. Some confused advices making it thought, that the Scots had not yet passed

Buchanan;  
l. 2.

Edward  
raises an  
army.  
Walsing.  
Knighton.  
Froissart,  
l. 1. c. 16.  
Act. Pub.  
iv. p. 281.  
287. 292.  
Echard.

The Scots  
ravage the  
borders.

Boeth.  
Buchanan;

\* On February 2. they endeavoured to surprize the castle of Norham; but the governor, Sir Robert Manners, took some of them prisoners, and put the rest to the sword.

the Tine, it was resolved to expect them beyond the river, near the place where it was believed they would pass in their return. This resolve was put in execution; but the English army had no sooner passed the Tine, than they were forced to go back again, not finding on the north of the river wherewithal to subsist.

Edward overtakes them, but could not fight.

J. Barnes's History of Edward III. Walsing.

During the time spent in these marches and counter-marches, Edward, having never received certain intelligence of the enemy, was extremely uneasy: As he knew not which way to go in search of them, he ordered it to be proclaimed in the army, that whoever should bring him certain news of the Scots should be made a knight, with a pension of a hundred pounds sterling. The hopes of so good a reward set so many on this search, that it was not long before he had the desired information<sup>f</sup>. But it was not without some confusion that he heard the enemies, of whom he was so eagerly in quest, were within two leagues. He marched immediately towards them, in expectation of fighting that very day. But he did not long enjoy the pleasure of that expectation. The Scotch generals, who were not ignorant of his approach, had encamped over against Stanhope park, on a hill, at the foot of which runs the river Were, shallow indeed, but full of rocks, which rendered the passage very difficult. How desirous soever Edward was of fighting, he was sensible to his great sorrow, that he could not attack them without exposing his army to manifest danger. It was vexatious for a young prince, greedy of glory, to see the enemies so near, without being able to give them battle. He did not however quite despair of succeeding. As he judged of their courage by his own, he sent them word, if they would come over the river, he would retire at a convenient distance, and give them time to pass, and chuse what ground they should think proper; or else on the same terms he would come over to them. The Scotch generals answered, That the English army being three times stronger than theirs, it would be great rashness to accept the proposal; that they were bent upon keeping their post, and it was the king's business to dislodge them, if he thought it for his advantage to attempt it. However, as they were apprehensive, that Edward, in amusing them with his offers, intended to pass the river at some other place, they retired in the night, and encamped in a more advantageous post than what they had left. Besides, that they had still the Were in their front, their flanks were defended

<sup>f</sup> It was brought by sir Thomas Rokby. Barnes,



by inaccessible mountains and bogs, which removed their fear of being attacked, though the English had passed the river elsewhere. Edward having notice of their motion, followed them with the Were between him and the enemy, and having found them posted in that manner, made them the same offer again, to which they returned the same answer.

Whilst the two armies lay in fight without being able to engage, Douglass passed the river at some distance from the two camps, with only two hundred horse. With this little troop he stole into the English camp, and penetrated even to the royal tent: where he gave a terrible alarm. Probably his design was to carry off the king, but not succeeding, he retired without much loss. At length, after both armies had kept their posts a fortnight, the Scots decamped in the night, and by speedy marches, which prevented the English from pursuing them, retired into their own country. They were now so far off, when Edward was told of their retreat, that he did not think fit to follow them. Several ascribed to Mortimer the ill success of the campaign, and suspected him of holding intelligence with the enemy, to facilitate their retreat without fighting. Edward having nothing more to fear from the Scots, returned to York, extremely mortified at not being able to revenge himself. Upon his arrival at that city, he disbanded his army, and after magnificent presents, sent back John de Hainault to his own country.<sup>2</sup>

Bold action  
of Douglass.  
Froissart.  
Buchanan.  
Knights.

The Scots  
retire.

AA. MS.  
iv. P. 100

Whilst the young king was employed in this expedition, his father, still closely confined in Kenelworth castle, led a melancholy life, not being suffered to take the least diversion. He wrote from time to time to his queen, intreating her to render his imprisonment more easy; but nothing was capable of moving that inexorable princess, in favour of a husband, whom she herself had reduced to that wretched condition without his deserving, at least from her, such barbarous usage. If she had dared to follow her inclinations, she would have left his letters unanswered. But as it was her interest to deceive the public by this correspondence, she was very glad to continue it. She sent him now and then some linen and cloaths, and other little presents, to persuade the credulous people she sacrificed her tenderness to the good of the state. It was not so easy to deceive Edward himself, since he could not but be convinced that she was the sole cause of his misfortunes: Therefore she never had the face to appear in

Tragical  
death of  
Edward II.  
De la M.

<sup>2</sup> About the middle of August. See coronation of king Edward, but upon Rymer's Fed. Tom. iv. p. 304. He the Scotch invasion, was sent for back had returned back to Flanders after the again. See Froissart, l. 1.

De la M.

his fight. She would not so much as permit the king, her son, to pay his respects to his unhappy father, for fear he should learn what she desired he might be ignorant of as long as he lived: so, though the imprisoned king ardently wished to see them both, and frequently asked why they were so unkind as to deny him that comfort, he could never obtain it.

De la M.  
Knighton.

Mean time, the rigorous usage of that unfortunate prince began to excite compassion in the breasts of the English, who are naturally generous: Henry of Lancaster himself, who had the custody of him, relented daily to such a degree, that he gave him some small hopes of recovering his liberty: another motive besides that of generosity, influenced the earl; and that was, the irregular conduct of the queen, and the great credit of Mortimer, whose arrogance rendered him odious to all. As he took no care to hide his sentiments, the queen and Mortimer suspected him of a design to restore the old king. The suspicion, whether well or ill grounded, produced a fatal effect, by determining them to prevent the imagined danger: To that end they resolved to take the captive king out of the hands of his keeper, whom they suspected, and entrust him with such as they could depend upon. Sir John Maltravers and Sir Thomas Gurney, both of so brutish a temper as was requisite for the designs of those that employed them, had orders to remove Edward from Kenelworth to Berkley castle. It was hardly possible for the unfortunate prince to fall into worse hands. At first they carried him to Corfe, then to Bristol<sup>a</sup>, and afterwards to Berkley castle<sup>b</sup>, which was to be his last prison. In the journey they made him suffer a thousand indignities, even to the causing him to be shaved in the open field with cold water taken from a stinking ditch<sup>c</sup>. What firmness soever he had hitherto shewn, he could not on this occasion, help lamenting his misfortune and discovering his grief. Amidst his complaints and reproaches against those who used him so barbarously,

De la M.

<sup>a</sup> Where he remained till it was found out, that some of the citizens had formed a resolution to assist him in making his escape, beyond sea. De la Moor.

<sup>b</sup> Thomas Berkley, lord of the castle, treated the king with abundance of respect, which Maltravers and Gurney observing, they would no longer suffer him to have access to the king's person. De la Moor.

<sup>c</sup> That he might thereby be the more

disguised, and not known to any they should meet with, they made him likewise ride in the night, with very thin cloaths, and without any covering on his head; would never suffer him to sleep; crowned him with hay, and offered him a thousand indignities: They also attempted more than once to poison him, but the goodness of his constitution rendered all their wicked purposes ineffectual. De la Moor.

he told them, that in spite of them, he would be shaved with warm water, and at the same time he shed a torrent of tears. His enemies hoped, the vexation and fatigue he was made to endure, would put an end to his days. But though they were served with a barbarous zeal by these merciless guards, who, for that purpose, used the most cruel, as well as insolent means, yet the goodness of his constitution prevented them from succeeding. These wretches, finding their cruelties had not so speedy an effect, sent for fresh instructions, for which they were not made to wait long. They received orders to put that prince to death, who, though overwhelmed with misery, caused continual fears in the authors of his calamity. It is said that Adam Orleton, bishop of Hereford, one of the queen's ministers, sent with the orders a Latin letter, wherein by a shameful equivocation, he advised them at the same time to murder Edward, and exhorted them to refrain from such a crime. And indeed, the words ascribed to him, are capable of both these senses, according to the difference of the pointing<sup>1</sup>. These orders were no sooner come, but the two keepers, knowing what they were to do, entered Edward's room to put them in execution. He being then in his bed, they laid a pillow on his face, to prevent his being heard; and then, with a cruelty not to be paralleled, thrust a horn pipe up his body, through which they ran a red-hot iron and burnt his bowels. In this horrible manner did that miserable prince expire amidst such violent pains, that in spite of the precaution of his murderers, his cries were heard at a distance. To conceal this execrable deed, the two executioners sent for some of the inhabitants of Bristol and Gloucester, who examining the body, and finding no signs of violence, concluded he died a natural death. This account, which was carefully attested by witnesses, was immediately dispersed over the whole kingdom, that it might be known unto all.

The misfortunes of this prince, whom his enemies so cruelly persecuted, began to raise the pity of the English, after ceasing to be formidable to them. But this pity was unactive, whereas their hatred never suffered them to rest till they had entirely ruined him. Indeed it would be difficult to justify his whole conduct, but they cannot be charged with being prejudiced in his favour, who assure us, his faults were disproportionate to his punishment. He was a sufferer himself for not having the resolution to punish his fa-

<sup>1</sup> "Edwardum occidere nolite timere, n est.

"Edwardum occidere nolite, timere bonum est.

Ast. Pub.  
tom. iv. p.  
317.  
De la M.

Gurney  
taken and  
beheaded.  
De la M.  
Walsing.

1328.  
Marriage of  
Edward III.  
Walsing.  
Ast. Pub.  
tom. iv. p.  
306, 313.

vorites. An important lesson for all princes, but which few are so wise as to learn. The compassion for his sufferings, which could not always be concealed, rose to that height, that after his death he was revered as a saint; so easily do the people run from one extreme to another. His body was immediately buried, without any funeral pomp, in the abbey church at Gloucester: However, some time after, the king his son ordered a stately tomb to be erected for him in that church. So far were his murderers from receiving for their parricide the reward they expected, that they were forced to fly beyond sea to avoid punishment. The very persons that employed them affected to cause diligent search to be made after them, to cover the share they had in the crime. Three years after, Gurney was seized at Burgos, and by order of the king of Castile carried to Bayonne, from whence Edward commanded him to be conveyed to England. But by some practices, not fully cleared in history, he was beheaded at sea<sup>m</sup>. Maltravers spent his days in exile, in some place in Germany, where he had retired: But divine vengeance stopped not at the punishment of these two villains; the queen, Mortimer, and their accomplices felt likewise its effects. Perhaps too we are to consider as consequences of the same vengeance, the violent or untimely deaths of almost all the descendants of Edward III, as well as the civil wars wherewith England was afflicted in the reigns of that prince's posterity, as will be seen hereafter<sup>n</sup>.

The death of Edward II. suppressed all the commotions which began to be observed in the kingdom. The king his son finding himself more easy, since by the death of his father, which he believed natural, he was cured of all scruples upon his account, took this opportunity to solemnize with Philippa of Hainault, his marriage concluded by the

<sup>m</sup> For fear he should accuse those great persons that had set him to work, as Sir Thomas Moor well observes, and Walsing. p. 128.

<sup>n</sup> A parliament was held this year at Lincoln, on September 15. Rymer's Fed. Tom. IV. p. 301, and another at Westminster, November 13, besides that mentioned above, wherein the king restored London to its ancient liberties, that had been forfeited, it seems, upon account of the late insurrection, wherein Walter de Stapleton was beheaded, and granted it new ones. Walsing. p. 128. Namely, That the mayor of London for the time being,

should sit in all places within the liberties, as the king's chief justice; and that every alderman, who had been mayor, should be always justice of the peace, within his own ward. He also granted unto the citizens, the free-farm of London for three hundred pounds per ann. And that the lawful franchises of the city should not be seized into the king's hands, but only on occasion of abuse or misuse, or for treason or rebellion, countenanced or done by the whole city. Farther he ordained, that Southwark should be under the government of the city, &c. J. Barnes, p. 23.

queen his mother at Valenciennes. The ceremony was performed at York, where the king came in his return from his campaign. Shortly after the new queen was crowned with the usual solemnities.

After the rejoicings for the king's marriage and the queen's coronation were over, Edward called a parliament at Northampton<sup>o</sup>, to consult about two momentous affairs. The first concerned the regency of France, which he claimed after the death of Charles the Fair, his uncle, who died in the beginning of this year. Of this I shall speak in another place. The second was the peace with Scotland, proposed by king Robert. Queen Isabella and Mortimer, who held the reins of the government, believing a war was against their interests, were very eager for a peace. On the other hand, the king of Scotland perceiving he was no longer able to bear the hardships of war, desired to spend the residue of his days in peace: Besides, as his infirmities warned him of his approaching death, he was very glad to prevent, by a peace with the English, the accidents which a war might cause during the minority of his son David, who was but seven years old. The parliament being entirely in the queen's interest, it was not difficult to obtain their consent, to enter upon a treaty, which both parties were equally desirous of concluding. The queen-mother and Mortimer in behalf of the English, and Douglas in the name of the king of Scotland, were the managers of the affair. A peace was quickly made and confirmed by the marriage of David, prince of Scotland, with Joanna<sup>o</sup>, sister of Edward, though they were both children.

The English, for the most part, were very uneasy to see a treaty begun, by which, in all appearance, they could reap no advantage. However, their uneasiness would have been removed, by the hopes of the repose it was to procure them, if to hasten the conclusion, Isabella and Mortimer had not yielded to the king of Scotland such advantages, as he could not have expected, even after the gaining of many battles. By their advice, Edward renounced all his pretensions to Scotland, both with regard to the sovereignty and the propriety<sup>o</sup>.

<sup>o</sup> Knighton says it was at York. He says moreover, that the laity granted to the king this year a twentieth, and the clergy a tenth, in a parliament at Leicester. Ibid.

<sup>p</sup> The Scots called her in derision, Joan Make-Peace. J. Barnes.

<sup>q</sup> This charter is dated at York, March 1, and said to be done by the assent and consent of the prelates, and great men, earls, and barons, and commons of the kingdom in parliament. Rymer's Fed. Tom. iv. p. 337.

The king consults the parliament about the peace proposed by Scotland. Act. Pub. tom. iv. p. 349. Walsing. Buchanan.

Peace between England and Scotland. Walsing. Buchanan. Act. Pub. tom. iv. p. 354.

Edward quits all claim to Scotland. Act. Pub. tom. iv. p. 337. Buchanan. Knighton.

# THE HISTORY

He restores  
all that Edward I. had  
taken from  
Scotland.  
J. Barnes.

The English  
garrison.

Buchanan,  
Act. Pub.  
tom. iv.  
P. 384.

Nuptials of  
the prince  
Joanna.  
Walsing.  
Knighton.

At the same time he restored to Robert all the charters and instruments which might prove the sovereignty of the kings of England over that kingdom. Among these instruments was the famous act, called Ragman's Roll, signed by John Baliol, and all the barons of Scotland; wherein were contained the rights of the crown of England. This was followed by the restitution of the crown, scepter, jewels, which Edward I. had carried away from Edinborough, and of every thing in general which might any way testify the sovereignty of England over Scotland. Had all this been done from a motive of justice and equity, to repair in some measure the injuries done by Edward I. to the Scots, instead of being thought strange, such a christian conduct ought to have been highly commended. But as people were fully convinced that the queen and Mortimer acted not from such a motive, and besides were prepossessed in favour of the sovereignty established by Edward I, every one was extremely displeased with the restitution. They said, "This was  
"dearly purchasing a peace, neither honorable nor necessary; that by this shameful treaty, all the money  
"expended, and all the blood spilt, in the conquest of  
"Scotland, were rendered entirely fruitless: That the  
"queen, who under colour of the king her husband's  
"incapacity, had divested him of his authority, plainly discovered, how unable she was herself to govern the state;  
"and that the faults committed by Edward II. during his  
"whole reign, were nothing in comparison of what she had  
"done the very first year of her administration." Notwithstanding all these murmurs, the queen and Mortimer had credit enough with the parliament to cause the peace to be confirmed, and the sum of thirty thousand marks, which Robert promised to pay within three years, to be considered as a sufficient compensation for whatever was restored to Scotland. Thus it frequently happens, that the very persons who pretend to reform the government by extraordinary methods, shew afterwards, that they had nothing less in view than the public good, which served them for a pretence.

In consequence of the treaty, the nuptials of Joanna the king's sister were solemnized at Berwick. Shortly after Mortimer, as a reward for his late pretended service to his master, was made earl

Particularly one of great value, he would live there; and the king of Scotland renounced all claim to Northumberland and Cumberland. Knighton,

March

March in full parliament. John of Eltham, the king's brother, was created earl of Cornwall; and James Butler, earl of Ormond.

Henry of Lancaster and some other lords, came not to this parliament; they were dissatisfied that the queen-mother and Mortimer usurped all authority, contrary to the intent of the parliament, that nominated twelve barons to manage the public affairs. The tragical death of Edward II. and the late treaty with Scotland furnishing them with a plausible pretence to complain, they had now begun to hold private conferences, and to project a reformation of the government. As secrecy was very difficult, in a confederacy where they intended to engage a great many persons, the queen and Mortimer had soon notice of it. The earl of Lancaster, whom they considered as author of the plot, and head of the malecontents, was the first victim they resolved to sacrifice to their safety. An accident that happened shortly after afforded them an opportunity, which they believed they ought to embrace, to accomplish their design. The earl had a private quarrel with the lord Holland, whom he looked upon as a mortal enemy to his family, and one of the principal authors of the death of earl Thomas his brother. Some threats he let fall against his enemy, induced sir Thomas Wythers, one of his domestics, to revenge his master. Presently after the breaking up of the parliament, Wythers killed the lord Holland, and took refuge in the earl's palace at Lancaster, from whence repeated orders from court were not able to force him. The queen and earl of March were not sorry that their enemy gave them so plausible a pretence to exasperate the king against him. They represented to him of what importance it was not to suffer a subject, of what quality soever, to protect criminals, and stop the course of justice: That it was acting the sovereign, and there was danger, that those who assumed such a power intended to enlarge it at the expence of the royal authority, and were contriving to disturb the peace of the kingdom. By these provoking discourses, they persuaded the young king to resolve to chastise the disobedience.

When the earl of Lancaster knew they designed to attack him, he prepared for his defence, and formed an association,

† Particularly Thomas lord Wake, Edmund Plantagenet, earl of Kent, and Thomas de Brotherton, earl of Norfolk. Knighton, Walsing.

‡ Robert de Holland. The rise and

advancement of this lord, was, by his being secretary to Thomas earl of Lancaster, whom he deserted after the battle of Burrough-Bridge. Dugdale, Knighton.

Discontent of some lords. Walsing. Knighton.

Walsing. Ypodig. Henry of Lancaster is attacked by the queen. Dugdale, vol. ii. p. 73. Knighton. J. Barnes.

She rises up the king against him.

He prepares for his defence. League against the court. Knighton.

The earl of Kent is dissatisfied.  
Edm.

sentiments the most freely, Edmund earl of Kent, the king's uncle, was the principal. This prince, as well as Edward II, his brothers, had no great genius for public affairs, but was naturally sincere and generous. He had, however, suffered himself to be deceived by the artifices of Isabella, when he joined with her against his own brother, never imagining she would have carried things so far. When once he was engaged in that party, the suddenness of the revolution which happened immediately after, would not permit him to recede. The government was changed before he had time to reflect on the consequences of the queen's undertaking. The disorderly behaviour of that princess, the arrogance of the favorite, the sudden death of the king, and the ill management of the public affairs, at length opened his eyes. He perceived with grief the injustice of the plot he had unhappily engaged in. A generous man cannot, without pain, conceal his sentiments. The earl, little versed in the maxims of politics, was not careful enough to hide his uneasiness at past transactions, and at what he saw every day. He had joined with Henry of Lancaster during the late commotions, thereby shewing, it was not his fault that the present scene of affairs was not altered. This was sufficient to induce Isabella and the earl of March to hasten his ruin for fear of being prevented. To that end, they laid for him the most extraordinary snare imaginable, in which it is amazing he should suffer himself to be taken. As his conduct was unblameable, it was necessary, in order to destroy him, so to manage it, that he should render himself criminal, that his ruin might be thought the less strange. For that purpose his two adversaries, by some who feigned to be his friends, insinuated to him, that Edward II. his brother, was still alive, and reported to be dead only to prevent the troubles his friends might excite: That he was strictly guarded in Corfe castle, and suffered to be seen by none but his domestics, who were confined with him. The pretended secret was supported with divers circumstances, and confirmed by the testimony of several persons of distinction, among whom were two bishops who were deceived as well as Edmund, or helped to deceive him. He had himself assisted at the funeral of his brother. But what he now heard, joined to a like report, spread at the court by the artifice of his enemies, and to his desire that the thing might be true, easily induced him to believe, he might possibly have been deceived by counterfeit obsequies. In this belief, he resolved to free the pretended prisoner from his captivity.

The queen and Mortimer lay a snare for that prince.

He is made to believe that Edward II. is still alive.  
Walring.

He resolves to free him.

He



He was however in suspense on account of his oath to the king his nephew, but was quickly eased of that scruple. It is said, that being commissioned to go to the pope, and demand the canonization of the late earl of Leicester, he took that opportunity to consult John XXII. upon the affair. It is added, but how truly, I know not, that the pope not only approved of his project, but charged him to execute it under pain of excommunication. When Edmund found himself supported by such an authority, all his scruples vanished. So, without farther consideration, he departed from Avignon, bent upon freeing the king his brother, whom he imagined to be still in prison. However, as this belief was grounded only upon report, he sent a trusty friar to Corfe, to be assured of the truth. The contrivers of the plot had taken care to have it whispered about in the country, that Edward was still a prisoner: So the monk, upon his coming into these parts for private information, found that the inhabitants of the neighbourhood believed it. Prepossessed by these false rumours, the friar, pretending business with the governor of Corfe, asked him, whether there was really any foundation for what was reported of Edward? The governor, who had received his instructions, returned such an answer as confirmed him in his opinion. It is even said, that he shewed him, but at some distance, a person sitting at table, who was served with great respect, and by that means entirely convinced him, that he was not deceived. Edmund being confirmed in his belief by the friar's report, came himself to Corfe, and without showing the least doubt, demanded to be conducted to his brother's apartment. The treacherous governor pretending to be surprized at his knowing the secret, did not deny that Edward was in the castle; but told him, he had positive orders to let no person see him. This confession made Edmund repeat his instances, but finding the governor inflexible, he gave him a letter for the prisoner, wherein he assured him, he would do his utmost to procure his liberty. The letter was immediately carried to the queen, who shewed it to the king her son, magnifying his danger from his uncle's practices. It was not difficult for her to obtain the king's leave to secure the prince's person. He was far from suspecting his mother to be herself the author of this plot. As soon as the king had given his consent to what was proposed, measures were taken to apprehend Edmund at Winchester, where the parliament was assembled. His impeachment being brought before the peers, his own letter was produced, which he could not disown: Nay, he confessed

Walsing.  
p. 129.

He is apprehended.  
A. G. Pub.  
tom. iv. p.  
424, 430.

## THE HISTORY.

IV. That the king of France should pardon the felony of the Gascon lords, as to life and limbs, on condition they submitted to banishment.

V. That Edward should undertake to demolish their castles.

VI. That this treaty should be of no effect, unless ratified by the king of England before Easter<sup>c</sup>.

The court of England was too desirous of peace, to neglect the performance of the last article. So there was a good intelligence between the two crowns, during the rest of that year, both kings taking care to avoid all occasions of a fresh rupture.

Death of  
Charles the  
Fair.

Maurus.

Froissart,  
l. 1. c. 22.

Edward on  
the earl of  
Valois dis-  
pute about  
the regency.

It is adjud-  
ged to Philip.

Hardly was this affair ended, when a new and more important occasion of quarrel engaged the two kingdoms in a war, which caused torrents of blood to be spilt, and brought France in the end to the very brink of destruction. Charles the Fair dying on the first of February, 1328, without male-issue, and leaving Joanna his queen big with child, there arose a great dispute concerning the regency of the kingdom, during the queen's pregnancy. Edward<sup>d</sup> laid claim to it as nephew and nearest relation of the deceased king: But Philip, son of Charles de Valois, and cousin-german of the same king, maintained he had an incontestable right to the regency. He founded his claim upon the Salic Law, which in his opinion debarred the females and their descendants from the succession to the crown; whence he inferred that neither had they any right to the regency in prejudice of the male-line. The point was decided in favour of Philip by the peers of France, who adjudged him the regency till the queen was delivered. It was partly on this occasion that Edward called the parliament at Northampton, on account of the peace with Scotland. He laid before them his reasons for claiming the regency of France, the injury he pretended was done him in preference of Philip de Valois; and the disadvantageous consequence that might be drawn from his exclusion, with respect to the crown of France, in case the child, the queen was big with, should not live, or be a daughter. Historians do not positively say, what the parliament's opinion was in this so nice an affair. But as the members were at the devotion of the queen-mother and the earl

<sup>c</sup> It is in the original, the Tuesday after the octaves of Easter, i.e. the Tuesday after a week after Easter. Ibid.

<sup>d</sup> King Charles desired, that if his queen

were brought to bed of a son, Philip de Valois should be his tutor and regent of the kingdom, till the young prince should come of age. Froissart, l. 1. c. 22.

of March, very probably they were no more scrupulous with respect to the affairs of France, than they had been concerning those of Scotland. There were much more plausible reasons to dissuade Edward from making war with France: The difficulty of the undertaking, the strength of that kingdom, the king's youth, were objections not easily to be answered. Besides, it might so happen, that the preparations to support the king's claim, would be fruitless, if the queen-widow should be delivered of a son. In spite of these reasons, it was not possible to persuade the young king to relinquish a right which he thought very justly belonged to him. However, as he was still a minor, he perceived it would be very difficult effectually to oppose the advice of the queen his mother, his council, and the parliament. But if he tacitly desisted from his pretensions to a regency which was about to expire, it was otherwise with regard to the crown itself, in case the point in question was not decided by the birth of a prince. This appears in several of his letters to certain lords of Guienne, dated the 28th of March, about a month before queen Joanna's delivery. On supposition she was brought to bed of a daughter, he told these lords, his intent was to use all possible means to recover the rights and inheritance of the queen his mother.

A&C. Pub.  
tom. iv. p.  
344. &c.

In April, Joanna was delivered of a princess, whose birth would from that moment have occasioned a bloody war, if Edward had been in condition to prosecute his pretensions. He demanded however the crown of France by his ambassadors: But Philip causing himself to be crowned, by virtue of the judgment that gave him the regency, the English ambassadors were not heard. I slightly pass over these things, because it will be necessary to speak of them more largely hereafter. It suffices at present to know that Edward, not having it in his power to push the affair, thought proper to let it lie dormant till a more favourable opportunity. Several pieces in the Collection of the Public Acts, shew, this was his intention, and that his silence argued nothing less than a design to depart from his right. We see there, that immediately after the coronation of Philip de Valois, he began to take measures for the war against him. His alliance about this time with the duke of Brabant, and several lords who engaged to supply him with troops, is a clear evidence he was meditating some grand design, and his letters to the lords of Guienne, shew it was against France. In these letters, dated September 16, 1328; he positively said, his intent was to recover his mother's inheritance. Now at that time he had no quarrel

The queen, delivered of a daughter, Edward demands the crown. Philip is crowned, Froissart, Ibid. Edward hides his design.

A&C. Pub.  
iv. p. 368.

## THE HISTORY

quarrel with France, wherein the queen his mother was particularly concerned. The inheritance he mentioned, concerned therefore the whole kingdom of France, since his contests with Philip about Guienne, had no relation to Isabella's right.

Philip summons Edward to do homage. Froissart, B. I. c. 25.

Philip de Valois being engaged in the beginning of his reign, in a war with the Flemings, was in no haste to demand Edward's homage for Guienne and Ponthieu. It was not till April 1329, that he caused him to be summoned \* to appear and do homage in person †. In Edward's present disposition, he would have gladly been excused from paying homage to a prince, whom he considered as an usurper of his right. But his council reflecting on his youth, and the state of the kingdom full of male-content, could not think of approving a refusal, which probably would throw him into great difficulties. On the other hand, the queen his mother and the earl of March, did all that lay in their power to prevent a quarrel with Philip. They represented to him, that he would infallibly lose all his dominions in France, if he unadvisedly discovered his pretensions to that kingdom, before he was ready to support them. But these remonstrances would perhaps have had little weight with him, if for his satisfaction there had not been devised an expedient, unbecoming indeed the sincerity kings ought to profess, but which his youth and passion permitted him not to examine too nicely. It was suggested to him, that by protesting beforehand against the homage, it would be no detriment to his claim. Pursuant to this advice, he made, by a procurator, the following protestation before his council: "That for any homage  
" whatever to be made to the lord Philip de Valois, (now  
" bearing himself king of France) by king Edward of Eng-  
" land, for the dukedom of Guienne, and earldom of Pon-  
" thieu, he did not thereby intend to renounce his hereditary  
" right to the realm of France, or any ways derogate from the

Edward privately protests against the homage.

\* P. Daniel says, he caused king Edward to be summoned twice; first, by Peter Roger, abbot of Fescamp, who was afterwards pope, by the name of Clement VI. but he had no audience from the king, only from the queen-mother, with whom nothing could be agreed on. So after the ambassador's return, Philip de Valois seized the revenues of Guienne and Ponthieu. Soon after that he sent four other ambassadors to renew the summons. These king Edward received very civilly, and promised

to come over to France in a short time. Which accordingly he did, about six or seven months after. Vol. iv. ad an. 1328.

† In a letter dated at Wallingford, April 14. which contains his answer to Philip's summons, he tells him that he intended long ago to have come over to France, and paid him his duty, but had been hindered; however, he would come and do it with all convenient speed. Rymer's Fœd. tom. iv. p. 381.

.. same;

" same; even though letters thereupon should be signed with  
 " either of his seals. And he did farther protest, that he  
 " would not do any homage to the lord Philip of his own  
 " free will, but only for the just fear he had of losing the  
 " said duchy and earldom, and because he was afraid that  
 " he could not avoid other great dangers and irreparable  
 " losses." This declaration was signed by the king and coun-  
 cil, but was not communicated to Philip's envoy. He only  
 received a general answer, that the king would perform as  
 soon as possible what he owed the crown of France.

How unwilling soever Edward was to do homage, he re-  
 solved upon it, for fear of making known by his refusal, a  
 design which was it not yet proper to discover. To make  
 himself amends in some measure for the mortifying step he was  
 forced to, he ordered a great number of lords to attend him, and  
 with a very splendid equipage, and a retinue of a thousand  
 horse came to Amiens, where Philip expected him. On the day  
 appointed for doing his homage, he appeared before the king of  
 France, in a robe of crimson-velvet, embroidered with leopards  
 of gold, his crown on his head, his sword by his side, and gold  
 spurs on his heels. The king of France received him sitting on  
 his throne, his crown on his head, his sceptre in his hand, and  
 a robe of blue velvet, powdered with flower-de-luces of gold.  
 By him were the kings of Navarre and Majorca<sup>s</sup>, all the peers  
 and principal lords of France, whom he had expressly sent for,  
 to be witnesses of this authentic homage. Before Edward's  
 arrival, Philip pretended this should be a liege homage<sup>h</sup>, as  
 indeed it ought to have been. But in the conferences before  
 the ceremony, matters were otherwise settled. Edward pro-  
 testing he was not perfectly informed of the manner of the ho-  
 mage, offered to do it in general terms. However, he pro-  
 mised upon his honour, that if, upon consulting his records,  
 he found the homage to be full, he would give letters patents  
 of it under his great seal. Upon that condition, Philip con-  
 sented to receive the homage in general terms. This was  
 really the manner wherein Edward did it, whatever some French  
 historians may have said to the contrary, who doubtless were  
 misled by bad memoirs. Edward's historian says likewise,  
 upon no better grounds, that the king of France was going to  
 order him to be seized, but that the bishop of Lincoln gave his  
 master notice of it, who withdrew without taking leave.  
 This cannot be true, since Philip could not have taken that  
 resolution, but upon Edward's refusing to do full homage,

<sup>s</sup> And Bohemia.  
 sword ungilt,

<sup>h</sup> Full, or liege homage, was done bare-headed, and

and yet it is certain he was very willing to receive it in general terms : Nay, they had several conferences together after the ceremony. Before they parted, it was agreed that Edward should send ambassadors to France to finish what the late treaty had left undecided.

1330.  
Bequel of  
the affairs  
of Edward  
with France.  
A.G. Pub.  
iv. p. 392,  
411, 413,  
427.

As Edward stood disposed with regard to the king of France, he was not very forward to send the promised declaration. On the contrary he tried to gain time, by proposals of a double marriage of his brother and sister, with the son and daughter of Philip. He even kept at London almost a year, on divers pretences, ambassadors sent to press him to perform his promise. During that time, Edward was very urgent in his turn with the king of France, to end their differences about Guienne, as was agreed at their late interview. It was easy to see Edward sought only to prolong affairs. Accordingly Philip, who impatiently bore all these delays, sent him word that he would not be his dupe. He dispatched into Guienne the earl of Alenzon his brother<sup>1</sup>, who took and demolished the castle of Xaintes, and plundered Burg. These hostilities, which Edward did not expect, produced a new treaty between the two monarchs<sup>2</sup>. Edward positively promised to send the declaration of homage, to pay the fifty thousand marks sterling owing to France, and sixty thousand Parisian livres, for the assignment made him by the king his father, of Guienne. Moreover, he promised to see the castles demolished belonging to the Gascon lords, condemned in the reign of Charles the Fair. Shortly after the conclusion of the treaty, he sent the king of France letters-patents under his great seal, to confirm and specify the homage he had done at Amiens. He expressly declared the homage was to be deemed full; and that the homages which he himself or successors, dukes of Guienne and earls of Ponthieu, performed hereafter, should be done in the same manner, and with the same formalities as the king of France had expected. In these letters there was a pattern how the homage was to be performed. After he

Edward de-  
clares the  
homage to  
be full.  
A.G. Pub.  
iv. p. 478.  
Ercourt,  
l. i. c. 26.

<sup>1</sup> Taking occasion of some hostilities committed on the French territories, by king Edward's subjects, who fortified themselves in the castle of Xaintes. Contin. Nangli.

<sup>2</sup> But before that, king Edward called a parliament, in the beginning of this year, to take the affairs of Guienne into consideration : There it was resolved, that he should proceed with the

king of France, by way of amicable treaty. The laity then promised him an aid, if a rupture should happen with France; and he writ to the clergy March 18, to obtain the same grant from them. See Rymer's Fœd. tom. iv. p. 422, 423. There was another parliament at Winchester, March 11. Ibid.

had sent this authentic declaration, he took a journey to France, under colour of performing a vow. He saw Philip and obtained of him an abatement of thirty thousand livres Tournois, for the damage done to Burg and Xaintes, and an absolute pardon for the condemned Gascon lords. Let us leave a moment Edward's affairs with France, to see what passed in England during these negotiations. We shall soon have occasion to resume the sequel of these affairs, which are the principal subject of this reign.

It was shortly after his return from Amiens, that Edward began, as it is supposed, to be suspicious of the queen: his mother's conduct. When it was perceived at court, that the king grew weary of being under the guardianship of his mother and the favourite, their enemies failed not to do all that lay in their power to make them suspected. So many things deserving his attention were insinuated to him, that he resolved at length to have perfect information of his affairs. Those to whom he applied, caused him to observe, "That the earl of March affected to out-shine his sovereign, by a magnificence too splendid for a subject: That he disposed of all the offices of the kingdom to his creatures: That he was absolute master of the fortune of the English, casting down some, and raising others, according as they appeared for or against his interest: That by his private orders Edward II. was murdered: That the earl of Kent lost his life by his secret practices: Finally, That very probably the queen and her minister had formed the design of securing the royal authority, by keeping him always a minor." Some add, it was intimated to him, that the queen his mother was big with child by Mortimer. What they say is not unlikely, since, according to the testimony of Froissart, the report of her being with child was spread over the kingdom. These informations entirely convinced the king of what he had hitherto only suspected. He called to mind the sudden death of his father; the beheading of the earl of Kent his uncle; the dishonourable peace he was made to conclude with Scotland; the extravagant dowry of the queen his mother; the credit, riches, and pride of the earl of March; and abhorring those who made the public good a pretence to gratify their passions, he resolved to punish them. However, he carefully concealed his purpose, till an opportunity offered of acting without danger to himself. To

New agreement between the two kings. Aft. Pub. iv. p. 480, 484. Du Tillot, p. 47.

Downfall of queen Isabella and Mortimer. Knighton, Walsing.

Informations given the king.

l. i. c. 24.

<sup>1</sup> It is very probable he was suspicious of her, before his journey, as appears by an order he gave Ralph de Nevil to array the militia. Rymer's Fœd. tom. iv. p. 448.

Walsing.

Aft. Pub.  
iv. p. 452.  
Edward  
seizes Mor-  
timer, and  
sends him to  
the Tower.

execute his design, he chose the time, the parliament was to meet at Nottingham. The court being come to that town, queen Isabella and the earl of March lodged in the castle, with a guard of one hundred and eighty knights<sup>m</sup>, whilst the king, with a small retinue, was lodged in the town. In spite of these precautions, which seemed to show that the queen and her favorite were not without their uneasiness, Edward, having gained the governor<sup>n</sup>, entered the castle through a subterraneous passage, and came into his mother's apartment, accompanied with Montacute, and some other officers, all bent to lose their lives in his service. There was at first some noise made, and two knights of the guard were killed, who having less respect for the king than their companions, offered to resist. The earl of March was apprehended, and notwithstanding the queen's cries and intreaties to spare the gallant Mortimer<sup>o</sup>, he was carried out the same way the king came in, and conducted under a strong guard to the Tower of London<sup>p</sup>.

He calls a  
new par-  
liament.  
Ibid. p. 453.

This master-piece of policy succeeding so well, the king dissolved the parliament, and summoned another. As the late parliament had not regarded so much the public good, as the interests of the queen and the earl of March, the king complained, in his summons, of the members, and took occasion to exhort the people to chuse representatives who had the good of the state more at heart. The parliament met at London, with dispositions very different from those of the

<sup>m</sup> The queen had the keys of the castle brought to her every night, and laid them under her pillow. Stow.

<sup>n</sup> He issued out warrants to all the sheriffs, for apprehending the earl of March, Sir Oliver de Ingham, and Sir Simon de Beresford, bearing date Octob. 20, at Nottingham. Rymer's Fœd. tom. iv. p. 452. And on November 3, summoned all persons whatsoever, that had any complaints to make against Mortimer, and the rest, to come and lay them before the parliament. Ibid. p. 453.

<sup>o</sup> Her words were, "Bel. Fitz, Bel. Fitz, ayez pitie du gentile Mortimer."

<sup>p</sup> This was done on the 19th of Oct. Knighton, col. 2556. Besides Sir William de Montacute (afterwards earl of Salisbury) there were with the king, Sir Humphrey de Bohun, Sir Edward and Sir William, his brothers; Sir Ralph de Seafford, Sir William de Clin-

ton, Sir John Nevil of Hornby, Sir William Eland, etc. The passage under ground is called Mortimer's Hole. The two knights that were killed were, Sir Hugh de Turplington, steward of the king's household, and Sir Richard Monmouth, according to the Fœdera, tom. iv. p. 475, 505, but according to Dugdale and Barnes, Sir John. For this piece of service, the king granted Sir William de Montacute, one thousand pounds per ann. Rot. Par. Knighton. Sir John Nevil, two thousand marks per ann. in land; namely, the manors of Lodres, Phelipston, More, Up-Wynburn, and Winterburn-Hooten, in Dorsetshire; and Chelreic in Berkshire. Rymer, *ibid.* p. 487. Robert de Bohun, four hundred marks; Robert de Ufford, three hundred, and John de Nevil, two hundred. Rot. Par. 4 Edw. III. n. 13.

former.



former. Most of the members pleased to see the kingdom freed from the tyranny of the earl of March, aimed only at the reformation of what was amiss in the government, and the punishment of the favorite, according to his crimes; the common fate of favorites and ministers who abuse their power. How great soever they may be, they must expect to see themselves abandoned by all whenever their affairs begin to decline.

In his speech to the parliament, the king complained in general of the queen and Mortimer. After which, he said, that with the consent of his subjects, he designed to assume the reins of the government, though he was not yet arrived at the age prescribed by the law. The parliament gladly consented, all the members being equally ready to second his designs<sup>1</sup>.

Edward being thus freed from his governors, his first care was to seize the exorbitant dower of the queen his mother, and reduced it to a pension of three thousand pounds a year<sup>2</sup>. At the same time she was confined to her house at Rissing, near London, left by her intrigues she should excite new troubles. Mezerau was mistaken, when he said, Edward hastened his mother's death. It is certain, she lived twenty-eight years in her confinement, where the king her son visited her once or twice every year, more out of decency than affection..

The queen is confined to Rissing, Walling.

Abreege, &c. Ann. 1318.

As for the earl of March, he was treated with the utmost rigor. His impeachment, brought before the parliament contained divers articles, of which these were the principal:

Whereas, it was ordained in the parliament next after the king's coronation, that four bishops, four earls, and six barons, should remain with the king to advise him; and that one bishop, one earl, and two barons should be constantly with him; he usurped to himself the royal power, and the government of the realm, and set John Wynard and others about the king, so that he could do nothing but only as a man under guard or restraint.

The earl of March is condemned and executed Knighton, col. 2556. Walling.

He forbade by the king's writ, that any should come with force and arms to the parliament at Salisbury, yet came him-

<sup>1</sup> At the same time, the king resumed into his hands, all the grants that had been made during his minority. Rymer's Fœd. tom. iv. p. 476. It does not appear from whence Rapin was informed of the king's making a speech to the parliament, it not being usual in those days for the king to speak in

person from the throne but by his ministers.

<sup>2</sup> Rapin by mistake says, five hundred pounds. See Knighton, col. 2556. He moreover granted her afterwards, viz. September 4, 1334, the earldom of Ponthieu and Montreuil, during her life. Rymer's Fœd. tom. iv. p. 623.

self armed with others of his party; wherefore the earl of Lancaster and others would not be there; and when the bishops were assembled in a house to consult about the king's affairs, he broke into the house, and threatened the prelates with life and member, if they did any thing contrary to his pleasure. In the same parliament he caused the king to make him earl of March, and to give him lands in disherison of the crown.

He led the king against the earl of Lancaster, and other peers who were appointed to be with the king, and forced them to submit to the king's grace, saying to them life and member, and that they should not be disinherited, nor have too great a fine set upon them; yet he caused them to be fined to half the value of their lands, and others to be driven out of the nation, and their estates seized.

He caused in a deceivable manner the earl of Kent to be informed, that the king's father was alive when he was dead; and when the earl endeavoured to discover the truth, he caused him to be condemned to death in the parliament at Westminster.

He particularly made discord between the king's father and his queen; and possessed her, that if she went to him she would be killed with a dagger, so that she would not come to her leige lord, to the great dishonour of her son and self, and great damage of the whole realm, perhaps in time to come.

He had caused to be taken for himself and party, the king's treasure in money and jewels, as much as he pleased, so that the king had not wherewithal to pay for his victuals. He also shared between him and his confederates, the twenty thousand marks paid out of Scotland.

He caused the king to agree to the mounting of two Irish chevaliers, being of those that had killed the great men of Ireland, who were in the king's faith, whereas the king should have revenged their death, rather than pardon them.

He contrived to destroy the king's secret friends in whom he most confided, and surmised before the queen-mother, the bishops of Lincoln and Salisbury, and other counsellors, that they had excited the king to continue with his (Mortimer's) enemies beyond sea, to the destruction of him and the queen his mother, and this he affirmed so impudently to the king, that he could not be believed against what he said.

\* Rapin in abridging this article, has too plainly expressed the criminal conversation between the queen and the earl, which is here avoided in the article at large.

For these things and many others, not as yet fit to be declared, he had been apprehended.

These articles being examined by the earls, barons and peers, they were declared to be notorious, and known to them and all the people. So he was condemned to die without any farther proof<sup>1</sup>. His sentence, which ran, that he should as a traitor, be drawn and hanged on the common gallows at Tyburn<sup>2</sup>, was executed without the least favour. There was this remarkable in his sentence, that he was condemned without being heard, as he himself had served the Spencers. But this irregularity proved advantageous to his family. For Roger his grandson obtained afterwards an act to reverse his sentence as erroneous. We shall see in the sequel of the history, his descendants by the female-line mount the throne of England. The article of his impeachment concerning his commerce with the queen, is a clear evidence, how much the whole kingdom was offended at their familiarity. If it had not been notorious, there is no likelihood that the parliament would have wounded that princess's honour so deeply, which could not but reflect on the king her son. They who have endeavoured to vindicate her, by the little probability that a princess of so high a rank should so far forget herself, did not consider that a few years before, the three daughters-in-law of Philip the Fair were as regardless of their reputation, by the confession of all the historians.

Thus Edward began betimes to wipe out the blemishes which had sullied his minority, and in taking upon him the government, gave happy presages of the glory and prosperity of his reign. For a farther addition to the public happiness, heaven blessed the young monarch with a son, whom the queen brought this year into the world<sup>3</sup>. He was called Edward after his father, and became in his time the most il-

<sup>1</sup> The earl of March left four sons, of whom Edmund his eldest died in the flower of his age, and left his son Roger, who was restored to his grandfather's estates and honours. The earl had also seven daughters, Katharine wife of Thomas de Beauchamp, earl of Warwick; Joan married to James lord Audley; Agnes to Lawrence de Hastings earl of Pembroke; Margaret to Thomas son and heir of Maurice lord Berkley; Maud to John, son and heir of John de Charleton lord Powis; Blanch to Peter de Grandison; and Beatrix first

to Edward, son and heir to Thomas of Brotherton earl marshal, son of Edward II. and afterwards to Sir Thomas de Broole. Dugdale's Baron. vol. i. p. 146, 147.

<sup>2</sup> On Novemb. 29. Knighton, col. 2559. Walsing. p. 130. At a place then call'd Elms, now Tyburn. His body, after hanging two days and two nights, was granted to the friars munc. who buried it in their church, now call'd Christ Church.

<sup>3</sup> He was born at Woodstock, June 15. Walsing.

lustrious and most accomplished prince England had ever produced \*.

The king  
forms the  
project of  
conquering  
Scotland.

After Edward had assumed the administration of affairs, people were impatient to see what course he would take. His courage, his abilities, and his active spirit, made them believe he would not, like the king his father, chuse an indolent life. It was much more likely he would imitate his grandfather Edward I. France and Scotland were equally concerned to observe his first proceedings. France might be apprehensive, he would renew his pretensions to the crown, obtained by Philip de Valois to his prejudice. Scotland had no less reason to fear, he would break through the dishonorable treaty, wherein he was engaged by the queen his mother and Mortimer, during his non-age. Though the king of Scotland was his brother-in-law, it was known in those days, as well as at present, that the bond of affinity is not always a sufficient bar to the ambition of princes. And indeed, Edward had in view these two grand designs. But it was not possible for him to engage at once in two so considerable undertakings. He resolved therefore to begin with Scotland, that he might, after subduing that kingdom, attack France with the united forces of the two nations which divided Great Britain.

A. A. Pub.  
iv. p. 529.

The peace concluded two years before with Robert Bruce, seemed to lay an insuperable obstacle in his way. But ambitious princes always find pretences enough to gratify their passions. Edward had one, which to him appeared just, or at least sufficient to authorize his attempt upon Scotland; namely, that he was betrayed by his mother and ministers in the late treaty with Robert Bruce. But how specious soever this reason might seem to him, he did not think proper to use it, till he was almost sure of the success of his enterprize.

He makes  
use of Baliol  
to compass  
his ends.  
Boeth.  
Knighton.  
Walsing.

To compass his ends, he made use of Edward Baliol, son of John Baliol, placed on the throne of Scotland by Edward I. and afterwards deposed as a punishment for his pretended rebellion. It was now thirty-eight years since his father was dethroned. After so long an interval, the son, who, since the death of his father, led an obscure life in France, little expected to see the king of England press him to prosecute his right to the crown of Scotland. This however, was by Edward's order insinuated to him by the lord Beaumont, who

He stirs him  
up to assert  
his right,  
and promises  
to aid him.

\* This year the art of weaving wool-  
len cloth was brought from Flanders  
into England, by John Kempe, to whom  
the king granted his protection, and

at the same time invited over fullers,  
dyers, &c. See Rymer's Fœd. tom. iv.  
p. 496.

since

since his banishment resided in France. Beaumont represented to him, that he had a fair opportunity, to mount the throne of Scotland, usurped by the Bruces: that David's minority afforded him a juncture which would not easily be met with again: in fine, that the king of England was inclined to second his endeavours. Baliol lent a ready ear to so flattering a proposal, and to be certain himself how far he might rely on the king, came to England <sup>y</sup>, where he kept himself concealed. During that time, he treated with Edward by the mediation of Beaumont, concerning the terms on which he was to engage in the enterprize. Edward's J. Barnes. historian labours to vindicate the king in a proceeding so contrary to sincerity, and the late treaty with Scotland. But they who are not concerned to defend his reputation, will hardly deny, that ambition was the sole or real motive of his conduct. It is but too probable, that the prospect of an acquisition like that of the kingdom of Scotland, made him overlook his scruples on that account. Of this I shall hereafter give more than probable proofs.

The two parties came to an agreement without much difficulty. Baliol thought he could not purchase too dearly a crown to which he would never have dared to aspire, without being assured of a powerful assistance. On the other hand, Edward, who minded his own, more than the concerns of Baliol, and intended to reap all the benefit of the enterprize, scrupled not to promise still more than Baliol durst have expected. The articles of their agreement were no sooner settled, but the English nobles were privately told, that in serving Baliol, they would please the king. This was sufficient to engage in his party those, who having received lands in Scotland by the bounty of Edward I. had afterwards lost them by the revolutions in that kingdom. Besides this aid, Baliol could also depend in Scotland itself upon the assistance of the old friends of his family, who found it their interest to support him. And indeed, the placing this prince on the throne, was the only way to recover the offices and posts they were removed from, after Robert Bruce's advancement. A. & Pub. iv. p. 536.

Whilst Baliol was making his preparations, Edward pretended punctually to observe the peace with Scotland, and issued out upon that account several orders, which were not well executed. He even published a proclamation against such as were engaged in the service of Baliol. But this step Edward pretends to keep the peace with Scotland. A. & Pub. iv. p. 539.

<sup>y</sup> There is a safe conduct for him to July 20, 1330. Rymer's Fœd. tom. come to England, dated at Woodstock, iv. p. 445, 452.

was taken when they were ready to depart, and it was too late to prevent them. His sole aim was, to make the public believe, he was not concerned in an undertaking, of which indeed he was the real author.

1332. As soon as Baliol was ready he embarked his little army, consisting but of two thousand five hundred men, and landed at Kinghorn, near Perth, from whence he sent back his ships. He was willing by that to show his troops, they had nothing to trust to but their valour. Mean while, his preparations could not be so private, but the Scots had intelligence thereof. Hardly were his men landed, when he heard that Alexander Seaton was coming to give him battle, at the head of ten thousand men. All means of retreat being taken from the English, they had no hopes of safety but in victory. Accordingly, expecting their enemies with a noble resolution, they fought with such uncommon bravery, that the Scotch general, with an army much superior, was shamefully and intirely routed<sup>2</sup>. The earl of Fife, who followed Seaton with a still more numerous army, willing to revenge this disgrace, had no better success. After these victories, Baliol advancing into the country, met with another body of Scotch troops, whom he likewise defeated. Five days after, he fought Nigrel Bruce, who came to attack him with ten thousand men. In this last action he gave no quarter, because he would not be incumbered with prisoners.

Four battles lost in so short a space, throwing the Scots into the utmost consternation, Baliol had time to besiege Perth, called also St. John's Town, of which he easily became master. He found there a great quantity of warlike stores and provisions, which he wanted extremely, in order to make farther progress. His affairs obliging him to remove from Perth, Patrick Dunbar, earl of Marche, took advantage of his absence, and besieged the same town. But upon the first news of Baliol's marching to relieve it, he hastily raised the siege, though his army was superior in number. Such terror had their former losses struck into the Scots.

David king  
of Scotland  
retires into  
France.

Baliol's good fortune failed not to produce the usual effects, Great numbers of lords and gentlemen of the country came and swore fealty to him. This defection, which threatened king David with a greater, obliged the young prince to fly with his queen into France, it being unsafe to remain any longer in their kingdom. Mean time, to influence the affairs

<sup>2</sup> This battle was fought at Gledesmore, near St. John's town, on the 21th of August.

of Scotland, Edward so managed it, that several private persons fitted out a fleet in their own name, to give chase to that which the Scots had sent to sea, and which was their last refuge. The loss of this fleet, which was destroyed by the English, quite confounded David's adherents. The earl of Fife, who was one of the principal, submitted to the conqueror, and his example was followed by many others. These good successes determined Baliol to cause himself to be crowned. The ceremony was performed at Scone, the usual place of the inauguration of the kings.

The Scottish fleet destroyed by the English. Baliol crowned. Walsing,

The new king was no sooner on the throne, but, in order to perform his treaty with the king of England, he did him homage for the kingdom of Scotland, in the same manner as his father had done it to Edward I. that is, with all the circumstances denoting an entire subjection. In his letters-patent he said expressly, that it was with the consent of the king of England, and the assistance of the English, that he recovered the possession of his inheritance, of which he supposed, contrary to truth, that John his father was deprived by Robert Bruce. Moreover, he resigned to the king of England, in payment of the supplies received from him, the town and castle of Berwick, which were still in the hands of king David. He offered likewise to marry Joanna, sister of Edward, if that princess's marriage with David Bruce could be annulled. Lastly, he promised to furnish the king his sovereign with aids of men and money, whenever required. All these circumstances plainly shew, Edward was but too far concerned in this expedition, how much soever his historians may labour to clear him.

He does homage to Edward for Scotland. A.G. Pub. iv. p. 596. Knighton.

He gives up Berwick. A.G. Pub. iv. p. 536, 539.

Whilst Baliol was pushing his conquests in Scotland, Edward called a parliament to demand a subsidy. His pretence was, certain troubles in Ireland, which he represented as so dangerous, that there was a necessity of sending an army thither. The subsidy was readily granted. But whilst the troops designed for the expedition were marching to embark, they received orders to advance towards the borders of Scotland. Edward representing to the parliament, that it was dangerous to leave the northern counties defenceless, whilst their neighbours were in arms, and affirming, his presence was necessary in those parts, it was resolved that the Irish expedition should be deferred to some other time. Probably, the parliament did not suffer themselves to be deceived, but chose to shut their eyes voluntarily, not to obstruct the king's designs.

Edward levies an army on pretence of troubles in Ireland.

but sends it to Scotland. A.G. Pub. iv. p. 593.

Mean

ready sustained by the Scots, that of a good general, and a very able regent.

The pope and king of France try to divert Edward from the war with Scotland.  
A.G. Pub. iv. p. 655, 677, 703. Walling.

Mean time, the pope and the king of France were using their interest, though indirectly, for king David, by endeavouring to turn the English arms another way. Whilst Edward was at Perth, he received ambassadors from France, who jointly with the pope's nuncio, pressed him to perform his engagement to carry his arms into Palestine. He easily perceived their sole intent was to divert him from the war with Scotland. So, to avoid all father solicitations, he plainly told Philip's ambassadors, that by God's grace he was in a condition to make war against the infidels, without their master's aid, as soon as he had finished the conquest of Scotland. This answer convincing the Scots that he was fully resolved not to end the war till he was absolute master of the kingdom, the greatest part voluntarily submitted, plainly perceiving, it was not possible for them to resist any longer. They who took that course obtained very favourable terms, but there were others who chose rather to be exposed to the last extremities, than submit to the yoke of the English.

The chief Scots submit to Edward.  
Knighton. col. 4566.

He returns to England.  
A.G. Pub. iv. p. 676.

After the campaign was over, Edward returned in triumph to England<sup>b</sup>, having ordered Perth, Edenborough, and Sterling, to be refortified, and left the government of Scotland to the earl of Athol.

The English are beaten.

The new general, who though a Scotchman, had joined with Edward, in order to revenge some affronts received from his countrymen, had no sooner the command of the English army, but he went and laid siege to Kildrummy. Dunbar and Douglass, who commanded the Scotch forces, hastened to its relief, and though their army was not near so numerous, they defeated and slew the earl of Athol, and relieved the town. This success reviving the courage of the Scots, they came together from all parts, under the conduct of these two generals, who made a very considerable progress.

1336.  
Edward ravages Scotland,  
A.G. Pub. iv. p. 695, 698.  
and returns.  
Knighton. Walling.

Edward, who thought he had sufficiently tamed the Scots, fell into a fury upon the news of this fresh revolt. As soon as the season would permit, he marched a fourth time into the heart of Scotland, and ravaged in a merciless manner the counties that had declared against him. In his return, he burnt the town of Aberdeen, and some other places of less note; and leaving a small army with Baliol, marched back to his dominions, where he was called by more important affairs.

<sup>b</sup> Having granted the Scots a truce, which was afterwards prolonged till the for about a month, at the request of Sunday before Ascension-Day, 1336. the pope, and the king of France: Rymer's Fœd. tom. iv. p. 676.



This was Edward's last expedition into Scotland. It was time for that unhappy kingdom to enjoy some repose. Since it was invaded by Edward I. so much Scotch blood had been spilt, that it is very surprising, after so many losses, the people of that country should still be able to contend for their liberty.

Edward's four expeditions into Scotland gained him no doubt a great reputation. But it seems that part of his glory might have been disputed, by the consideration of the superiority of his troops, more numerous, better disciplined, and more amply provided with all things necessary, than those of the Scots. He was willing therefore to demonstrate in a larger and more noble field, that he was not afraid to face the greatest dangers, and to contend with more formidable enemies. So, from henceforth neglecting Scotland, which he believed sufficiently subdued, and which afforded him no more lawrels, he resolved to attack France, the most powerful state of all Europe, and to use his utmost endeavours to wrest the crown from Philip de Valois. I have already mentioned his claim to that kingdom, from which he was excluded by virtue of the Salic-law. As he pretended the law was misunderstood, and as that was the origin of a long and bloody war, which often brought France into extreme danger, there would be a sort of necessity, before we proceeded to particulars, to show the real foundation of the war. But as this matter cannot be briefly explained, I must beg the reader's leave to refer him to the dissertation at the end of this reign, that the thread of the history may not be interrupted. It suffices here to say in a word, that Edward pretended, the Salic-law, in excluding females from the succession to the crown, did not exclude their male-issue, from whence he inferred, that the next male-heir ought to succeed.

The Collection of the Publick Acts contain several pieces, clearly shewing, that although Edward seemed to submit to the judgment given against him at Paris, he was meditating some great design, and that against France. Amongst others, there is a letter to the inhabitants of Bayonne, positively promising them never to make peace with France without their being included, though he was not then in war with that crown. It was not therefore Robert d'Artois, expelled France and sheltered in England, that inspired him with the thoughts of invading France, as all the historians unanimously affirm. I do not deny however, that Robert d'Artois, displeased with Philip de Valois, helped by his counsils, and perhaps by the consideration of his friends in France, to make him hasten

Edward's  
designs  
against  
France.

Froissart,  
l. i. c. 26.

the

## THE HISTORY

the execution of his project. But since Robert d'Artois is generally reckoned the author of this undertaking, and of the calamities suffered by France on that occasion, it will not be improper to inform the reader of the reasons which that prince, descended from Lewis VIII. thought he had to complain of. For that purpose it will be necessary to know something of the genealogy of the house of Artois.

## LEWIS VIII.

St. Lewis    Robert I.  
K. of France. E. of Artois.

Robert II. E. of Artois.	Maud Othenin E. of Burg.
Philip of Artois d. before his father.	Joanna de B.    Blanch de Burg. Philip le Long.    Charles the Fair.
Robert III. of Artois.	Blanch of France. Eudes duke of Burg.

State of the  
earl of Ar-  
tois's case.

Robert earl of Artois, son of Lewis VIII. king of France, had a son and a daughter, namely, Robert and Maud. Robert II. was earl of Artois, and Maud married Othenin, earl of Burgundy, by whom she had two daughters, Joanna and Blanch, who were wives to Philip le Long, and Charles the Fair, kings of France. Joanna had a daughter called Blanch, married to Eudes, duke of Burgundy. Robert II. had but one son, named Philip, who dying before the earl his father, left Robert the son, the third of that name, but not earl of Artois. Robert III. claimed the earldom, as grandson to Robert II. and the next male heir. But Maud his great aunt, maintained, that the succession belonged to her, as sister to Robert II. and nearer by one degree than Robert III. The court of peers decided the affair in favour of Maud, whose two daughters were married to the two younger sons of Philip the Fair. Robert d'Artois submitted to the sentence during Philip's life, and all the reign of Lewis Hutin, but took up arms in the regency of Philip le Long, and got possession of Artois. When from regent Philip was become king, the affair of Artois was again brought before the court of peers, and decided once more in favour of Maud his mother-in-law. After the death of Charles the Fair,

Fair, Robert Artois was of all the great men of France, the person that acted with the most warmth, to procure the crown for Philip de Valois his brother-in-law, and maintained the most strenuously the authority of the Salic-law. He hoped thereby to establish a precedent in his favour, with regard to the earldom of Artois, and that the Salic-law being admitted, with respect to the crown, all the fiefs thereof would be subject to the same law. So, depending upon this precedent, and the advantage of being brother-in-law of the new king, he revived the process, and produced certain charters under the great seal, to confirm his right. But Philip caused the charters to be examined so strictly, that they were discovered to be counterfeit, for which a gentlewoman of Artois, who had forged them, was severely punished. The charters on which Robert founded his claim, being rejected, the earldom of Artois was adjudged to Blanch, daughter of Philip de Long, by virtue of the right she had from Maud her grandmother. Robert, full of indignation, fell into a passion with the king, and upbraided him in such a manner, as touched him very sensibly. It is said he proceeded to threats, which determined the king to prosecute him with the utmost rigour. He ordered him to be summoned before the peers, and causing him to be excommunicated for non-appearance, commanded the sentence to be publicly read in the streets of Paris. Robert withdrew into Hainault, but Philip not letting him rest there, he took the desperate course of throwing himself into the arms of the king of England. He found that monarch finishing the war with Scotland, and meditating his enterprize upon France. In all likelihood, he contributed by his solicitations to hasten the execution of that project.

So important a war could not be undertaken, without extraordinary preparations, and the support of divers alliances which might ballance the superiority, France had then over England. Edward had now gained the emperor Lewis of Bavaria, the duke of Brabant, the earls of Guelder and Hainault, his brothers-in-law, the archbishop of Cologne, and several other German princes: nay, he neglected not the private assistances of divers lords of Germany, Flanders, Holland, Brabant, Gasconne, who were to supply him with a number of horse, in proportion to the sums he gave them. All these troops drawn together, and joined to the English, would have made a very numerous army. But these alliances were not near so advantageous to him, as that procured him by Robert d'Artois with James d'Arteville, a brewer of Ghent. The credit of that burgher was so great in Flanders, that he had

AG. Pub.  
iv. p. 747.

1337.  
Edward  
makes an  
alliance  
with several  
princes,  
AG. Pub.  
iv. p. 744.  
&c.  
Froissart,  
l. i. c. 35.

and with  
James de  
Arteville,  
Id. c. 31.

had caused the principal cities to revolt against the earl<sup>c</sup>. This prince was even reduced to the necessity of flying for refuge into France, till Philip, who had engaged to restore him, was able to accomplish his promise. Edward taking advantage of this juncture, offered his protection to the Flemings, who gladly accepted it, apprehensive as they were, of being oppressed by Philip. This alliance was the more advantageous, as besides the supplies he expected from the Flemings, it afforded him the conveniency of assembling his army in Flanders, and a means to open a way into the enemy's country from that quarter. The parliament<sup>d</sup>, who approved of his design, having granted him large subsidies to carry it on, he raised one of the finest armies that had ever been levied in England. Till all his allies were ready to act, he sent part of his troops to the relief of the Flemings, whom their earl was vigorously attacking, with the assistance of the French. Upon the arrival of these troops, Guy, brother of the earl of Flanders, who was posted in the isle of Cadzant, was defeated and taken prisoner. This successful beginning of the English arms so broke the measures of the earl of Flanders, that the cities, which till then had been for him, declared against him.

Victory of  
the English  
in Flanders.  
Monsieur.

Prince Ed-  
ward made  
duke of  
Cornwall,  
Walling.  
Knighton.

Whilst Edward was making his preparations for this important war, the object of all his cares, he summoned a parliament<sup>e</sup>. The principal business was to settle the woollen-

<sup>c</sup> This man, by undertaking to be patron to the people, had all things at his command. He never walked the streets without sixty or eighty lusty yeomen at his heels, who upon a sign given them, killed every man they met, who was not a friend to this James. He collected and spent as he pleased the earl's rents and profits; he banished all the lords, whom he suspected to be the earl's friends: and in every town he had soldiers in pay, to spy and give him notice of any person, who had a design against him, whom he never left till he had banished or destroyed. He was murdered at length in 1345, by the populace, for endeavouring to make king Edward's son earl of Flanders. Froissart, l. i. c. 31.

<sup>d</sup> This parliament was held the Friday before Michaelmas. And in it the community of the kingdom granted the king a tenth, and the citizens and burghers a fifteenth. The clergy also granted a tenth for three years. — Soon after, the king issued out a commission for the seizing the estates of the

Lombard merchants in England, who were grown odious on account of their usury and extortion. He seized also the revenues of the alien priories, especially of the Cluniac and Cistercian order. Rot. Claus. 11 Edw. III. p. 2. M. 40. Dors. Walling. Rymer's Fed. tom. iv. p. 777.

<sup>e</sup> This parliament was held about the middle of March; and it was enacted, that no wool of English growth should be transported beyond sea; and that all cloth-workers should be received, from whatever foreign parts they came, and encouraged. Rymer's Fed. tom. iv. p. 723, 751. It was also ordained, that none should wear any cloths made beyond sea, except the king, queen, and their children; also, that none should wear foreign furs or silks, unless he was worth one hundred pounds of yearly rents. A. Murimuth. Wall. N. B. Walsingham places this under the year 1335; but he differs from the records and other historians by two, and sometimes three years.

trade

trade, which was of very great consequence to the kingdom. In this parliament, he created prince Edward his eldest son duke of Cornwall; being the first in England that bore the title of duke.

When the king was almost ready to begin the war, he wrote to the pope and cardinals, to justify his enterprize against France. He complained in his letters, that though, after the death of Charles the Fair his uncle, the crown was devolved to him as next heir, he was deprived of it by a rash and unjust sentence: that the ambassadors sent to Paris to demand the crown, not only were not heard, but were treated with that violence as even to be threatened, and put in danger of their lives: that by taking from a minor the crown; which of right belonged to him, the peers of France acted like robbers rather than judges; and that he protested against whatever was done during his nonage. Then he said, that Philip de Valois, not content with usurping the kingdom of France; had before any declaration of war, unjustly seized Guienne and the earldom of Ponthieu; and without cause, united these two provinces to the crown: that he had countenanced the Scotch rebellion, instead of assisting him, as he was obliged by the bond of affinity. Lastly, that by his whole conduct he had shewn himself to be his mortal enemy; and extremely uneasy at every thing tending to the honour of England.

These letters being communicated to Philip, he answered, that by the Salic law, and the judgment of the peers, Edward was excluded from the succession to the crown of France, to which besides he could pretend no manner of right, since he was born out of the kingdom: that for his part; not only all the French had received him for king, but Edward himself had submitted to their judgment: that the homage he had done in person, and confirmed by his letters patent, was a clear evidence; that he was himself convinced of the groundlessness of his pretensions. Edward replied, that his protestation in the presence of his council before he went and did homage, prevented its

Edward writes to the pope against Philip.  
Act. Pub.  
iv. p. 326.  
Walsing.  
p. 136.

Philip's answer.

Edward's reply.

He was invested with this dukedom, "by a wreath on his head, a ring on his finger, and a silver verge." Since which time, the eldest son of the king of England is born duke of Cornwall. At the same solemnity were created six earls, viz. Henry de Lancaster earl of Derby, William de Montacute earl of Salisbury, Hugh de Audley of Gloucester, William de Clinton of Huntingdon, William de Bohun of

Northampton, and Robert de Ufford of Suffolk. Wals. Twenty knights were also then created, among whom, says Speed, was sir Thomas de la Moor, who wrote the life of Edward II. and is often quoted by Rapin. He wrote in French, but has been since translated into Latin, and frequently published in English by our general chroniclers. He treats very largely of that king's sufferings.

being any prejudice to him : that the fear of losing his lands in France, was the sole motive of it ; which, added to the consideration of his minority, was more than sufficient to invalidate whatever had been hitherto done. Of these two reasons, the first would hardly have been admitted in a court of justice ; but it was not there this famous process was to be tried. Mean time, Edward willing to shew his allies he was too far engaged in the contest to recede, ordered the duke of Brabant to demand the crown of France in his name. At the same time he made him his lieutenant-general for that whole kingdom, with orders to the French, whom he called his subjects, to pay him obedience.

Edward demands the crown of France by the duke of Brabant. A<sup>d</sup>. Pub. iv. p. 818.

The pope sends two legates into England. Ib. p. 826.

Edward grants a short truce. A<sup>d</sup>. Pub. iv. p. 833. 838. v. p. 2. 14. Knighton.

Edward prepares for war. A<sup>d</sup>. Pub. iv. p. 773. 781. The Dauphin of Viennois would erect his country into a kingdom. A<sup>d</sup>. Pub. iv. p. 839. v. p. 10. 99. The earl of Hainault enters into the league.

To try to prevent the evils, which a quarrel of this nature might bring upon Christendom, Benedict XII. who then filled the papal throne, used all his interest with the two kings. But as Edward was the aggressor, the pope sent first to him two cardinals, with instructions to use all possible endeavours to persuade him to peace. These two legates discharged their commission with great zeal, and were very urgent with Edward to put the affair in negociation. They could not however help showing some partiality in favour of France, because of Edward's alliance with the emperor, the pope's professed enemy. Nevertheless the king let them know, their mediation was agreeable to him, and he would make peace, provided terms were offered answerable to his rights. He even promised to defer the execution of his designs till next March. But this was no great favour, since it was then December. He spent the rest of the winter in preparing his army and fleet, and especially in strengthening the league with new allies. Among whom, we find in the Collection of the Public Acts, the count palatine of the Rhine, the duke of Austria, and the Dauphin of Viennois, who are all three reckoned by the historians among the allies of France. This gives occasion to presume they were first engaged with Edward, but afterwards suffered themselves to be gained by Philip. The Dauphin had entertained the project of erecting his dominions into a kingdom : which, probably, was the reason of his joining with Edward, hoping without doubt that he would use his interest with the emperor to obtain his desire. This project not succeeding, he espoused the quarrel of France. The earl of Hainault, being willing also to enter into the league, desired, that Edward might have the title of Vicar of the Empire, in order to have a pretence to join forces with him, as general of the emperor's army. To satisfy the earl, and in expectation of bringing other German princes to the same.

same resolution, Edward was pleased to demand that dignity of the emperor.

When he had taken all the precautions suggested to him by prudence, he departed from England, with a fleet of five hundred sail<sup>a</sup>, and steered his course towards Antwerp, where he was called by important affairs. It was necessary he should be near his allies, that he might take with them all proper measures for the execution of his designs. Although his ambassadors had concluded alliances in his name with several princes, there were still many things to be settled with them, before they could assemble their forces. This was properly what retarded several months the opening of the campaign. But this delay was not entirely fruitless. During that time, Edward went and conferred at Cologne, with the emperor<sup>b</sup>, who ordered a patent to be drawn up appointing him vicar of the empire, according to his desire. This favor was attended with the promise of a powerful assistance, a promise which was afterwards very lamely performed. The cities of Flanders having entered into the league by means of James d'Arteville, were grown apprehensive of being one day abandoned to the vengeance of their earl, and the king of France. It was therefore necessary for Edward to shew himself to the Flemings, in order to encourage them by his presence. To that end he took a journey to Ghent and granted the principal cities several privileges, in order to encourage their trade with England. During this interval, he promised the marquiss of Juliers to make him a peer of England, which he did afterwards, by creating him earl of Cambridge<sup>c</sup>. His power as

1338.  
Edward comes to Antwerp July 22. Knighton, Froissart, l. i. Walsing.

He is made vicar of the empire. Froissart, l. i. c. 33. Knighton.

1339.  
He promises to make the duke of Juliers a peer of England, Ibid.

<sup>a</sup> He sailed for Orwell in Suffolk, July 16. Rymer's Fœd. tom. v. p. 65. Wall. p. 136. There was a parliament held on February 3, in which the laity granted the king one half of all their wool for the next summer; at the same time he took the whole of the clergy, making them pay nine marks for every sack of the best wool. Knighton.

<sup>b</sup> At this interview, two thrones being erected in the open market-place, one for the emperor, the other for the king; the emperor took his place first, and king Edward sat down by him. There were present four great dukes, three archbishops, six bishops, and thirty seven earls; and according to the heralds, seventeen thousand barons, bannerets, knights, and squires. The emperor having the sceptre in his right hand, and the globe in his left, and a knight of Almain holding over his head naked sword; his imperial majesty

did then and there declare the disloyalty, falsehood, and villany of the king of France; and thereupon desired him, and pronounced that he and his adherents had forfeited the protection and favor of the empire. And then he constituted king Edward vicar general of the empire, granting unto him full and absolute power over all on this side as far as Cologne; whereof he gave him his imperial charter, in sight of all that were present. Jos. Barne's life of Edward III. Knighton.

<sup>c</sup> On the 7th of May, 14 Edward III. and gave him a grant of twenty pounds a year, payable out of the issues of Cambridgeshire, for the support of that dignity; with a pension of one thousand pounds per annum. But he never had any summons to parliament. He was queen Philippa's sister's son. He died without male issue. Cotton's Abridg. p. 231. Rymer's Fœd. tom. v. p. 279.

vicar

vicar of the empire, enabled him to erect the earldom of Guelders into a duchy, and to grant the city of Cologne divers privileges, by which means he strengthened his alliance with the archbishop. Among all his allies, the duke of Brabant gave him the most trouble. That prince fearing, the two monarchs would be reconciled at his cost, great princes frequently neglecting the interests of the smaller who have served them, was willing to secure himself, before he engaged in the league. The more diffident he was, the more Edward laboured to be assured of his assistance. Besides the money with which he profusely supplied him<sup>k</sup>, he gave him hopes of the honour of having, one day, for his son-in-law the duke of Cornwall, presumptive heir of the crown of England. Moreover, to make him perfectly easy, he was pleased to give it under his hand, not to quit the Low-Countries till the war was ended<sup>l</sup>.

Ast. Pub.  
T. v. p. 113;  
134, 152.

He borrows  
money from  
all hands.  
Ast. Pub.  
v. p. 101.

But all these affairs, though of great moment, were not the sole cause of Edward's long stay in Brabant. As his expence was excessive<sup>m</sup>, he endeavoured, during that time, to borrow

<sup>k</sup> He gave him July 1, 1337, sixty thousand pounds. See Rymer's Fœd. tom. iv. p. 777.

<sup>l</sup> About this time the earl of Huntingdon, was made guardian or lieutenant of Suffolk, and the lord Robert Morley of Norfolk; which seems to be the first example of this kind. Knighton. — Young prince Edward, who was guardian of the realm, held a parliament at Northampton, July 26, which granted out of every town a twentieth upon goods amounting to the value of twenty shillings. They moreover granted the king all the wool of the kingdom to be bought at a certain price. An aid was also given by the clergy that held in capite; and afterwards a tenth for two years by the convocation, which met October 1. Knighton. Polychron. Rot. Clauf. 12 Edward III. P.

<sup>m</sup> The reader may judge of it by the following account taken from Dr. Brady.

The prince by the day, twenty shillings.

The bishop of Durham, six shillings and eight pence.

Thirteen earls, each by the day, six shillings and eight pence.

Forty-four barons and banneretts, each by the day, four shillings.

One thousand forty-six knights, each by the day, two shillings.

Esquires, constables, captains and leaders, four thousand twenty two, each by the day, one shilling.

Vintners that had the command of twenty men, or as our sergeants, and archers on horse-back, five thousand one hundred and four, each by the day, six-pence.

Paunceners [they were most strangers, but what otherwise is not known] three hundred fifty five, each by the day, six-pence.

Hobelars five hundred, each by the day, six-pence.

Archers on foot, fifteen thousand four hundred and eighty, each by the day, three-pence.

Masons, carpenters, smiths, engineers, tent-makers, miners, gunners armed, and those that had the care of the artillery, three hundred and fourscore, some at a shilling, others at ten-pence, six-pence, and three-pence, by the day.

Welshmen, foot four thousand three hundred seventy four, whereof two hundred vintners, each by the day, four-pence. The residue, each by the day, two-pence.

The whole number of the men of the army, was besides the lords, thirty one thousand two hundred ninety four; masters, captains, mariners and boys, for seven hundred ships; tillers, bowsingers,



borrow money of all the foreign princes. He did not scruple even to apply to private persons, and take up such sums as they were willing to lend, though never so small: nay, we find in the Collection of the Public Acts, that he pawned his crown to the archbishop of Triers for fifty thousand florins.

During Edward's stay at Antwerp, his queen was delivered there of a prince called Lionel. Here likewise he received a letter from the pope, representing to him in strong terms, the dangers he was exposing himself to, by his alliance with Lewis of Bavaria, who stood excommunicated. At the same time, he reproached him, for undervaluing himself, in receiving from the pretended emperor, the title of Vicar of the Empire, so much beneath him. But these remonstrances made little impression upon him. Though the pope threatened to proceed to extraordinary censures against him, he chose rather to run that hazard, than interrupt the execution of his designs.

Birth of  
prince  
Lionel.  
The pope's  
letters.  
P. 128.  
Walsing.

Every thing being ready to open the campaign, which had been retarded till September, Edward put himself at the head of forty thousand men, and encamped between Marchienne and Doway. Then he marched towards le Cambresis, and halted some time before the walls of Cambray. Here he was informed, that Philip was advancing with a formidable army, to give him battle. As the war was immensely expensive, and as it was his interest to end it at once; as soon as he received this intelligence, he passed the Shelde, in order to meet his enemy. A few days after, the two armies being encamped near one another, about Vironfosse, Philip sent a herald to offer him battle, on condition it should be on an open plain. Edward accepted the challenge, and left him to appoint the time and place. The 22d of October was fixed for the decision of this famous quarrel. But whilst both sides were preparing with equal ardor for battle, Philip was discouraged by a letter from Robert king of Naples. This prince, who passed for a great astrologer, foretold him ill success, wherever he should fight the English. At least, this is what several historians affirm; adding, that upon the credit of the prediction, Philip retired, not daring to venture a battle. Others however maintain, with more likelihood, that the letter would

Edward en-  
ters Artois.

Philip offers  
him battle.  
Ibid.  
He accepts  
it.  
Knighton.  
Walsing.

Philip re-  
tires.  
Messler.  
The reasons  
of it.  
Froissart.  
l. 1. c. 42.

lingers and victuallers, sixteen thousand.

The sum total of the war, with the wages of the mariners from the 4th of June, in the 20th year of Edward the third, to the 12th of October, in the

21st year of his reign, one year and a hundred thirty one days, one hundred twenty seven thousand one hundred and one pounds, two shillings and ninepence, ob. Brady's append. vol. iii. No. 92. l. 1. c. 37.

not have induced him to take such a step, if the great men who attended him, had not checked his ardor by more prudent counsels. It is said, they represented to him, that in the battle which was going to be fought, he hazarded no less than his crown; whereas Edward ventured only soldiers, most of whom were not his own; and, upon this remonstrance, he resolved, though with reluctance, to give his enemy this small advantage. When Edward saw there was no likelihood of bringing Philip to a battle, he marched into Hainault. This is Froissart's account, who is accused by the French of being, on all occasions, too partial to the English. Nangis, a French historian, says, Edward retired first, not to hazard a battle. This is not the only instance of the like contradiction among the historians. It seems however, that on this occasion it is not likely, Edward, who passed the Schelde to meet Philip, should retire for fear of fighting. But Philip's reasons for not venturing a battle are very strong. The honour of a king or general, consists not in fighting upon every occasion, but only at a proper season; and in not venturing the loss of a kingdom without extreme necessity. Be this as it will, the first campaign ended without bloodshed, except in Guenhe, where the two parties made war upon one another. But as nothing very remarkable happened, I shall not stay to relate the particulars.

Knighton.

Ibid.

1340.  
Edward  
takes the  
title of king  
of France.  
A. & Pub.  
v. p. 158.  
Froissart,  
l. 1, c. 47.  
Knighton.  
Walsing.

It was not possible for Edward to return to England so soon as he desired, being detained in the Low-Countries by a troublesome affair, by underhand practices. The king of France, vexed to see the advantages his enemy reaped by his alliance with the Flemings, found means, by the help of his emissaries, to raise in the cities of Flanders a scruple for taking up arms against their sovereign lord. This scruple inflamed by the ecclesiastics, most of whom were in the interests of France, had already made a deep impression on the minds of the people. Perhaps it would have caused in Flanders some revolution prejudicial to England, had not James d'Arteville found a speedy remedy, by advising Edward to assume the title of king of France. The proposal being debated in the king's council, it was approved as a proper means to keep the Flemings in the league. And indeed, Edward reaped from it the advantage he was made to expect. Pursuant to the advice, he styled himself king of France, and quartered with his own arms the Flower-de-luces of France. He added this motto, DIEU ET MON DROIT<sup>a</sup>, declaring thereby, that he

His motto.

<sup>a</sup> i. e. God and my Right.—It having been enacted in the parliament, that the English wool should not be exported out of the kingdom, but he made int

put his whole confidence in God, and the justice of his cause. The new title was not very surprising, since all his previous proceedings were clear evidences of his design. Some time after, he refused Philip the title of king, and forbid all his ministers to give him any other but that of earl of Valois. Besides, he had appointed the duke of Brabant his lieutenant-general in France, and by that had sufficiently shewn, he thought himself the true king; though he had not yet ventured to take the name. Having broken the ice on account of the Flemings, he made no scruple to use the title of king of France in all public acts, and to mark this year as the first of his new reign. At the same time he published a declaration, notifying to the French, that the kingdom of France being devolved to him by the death of Charles the Fair, according to God's will, which he would not oppose, he was resolved to assume the government. He gave his new subjects all the usual promises on the like occasions, and offered his protection to such as, after the example of the Flemings, would own him for their sovereign. The same day he published a manifesto, containing a particular account of the pretended injuries received from Philip de Valois, and the offers made by himself in order to a peace, that they might unite their forces against the infidels.

Though Edward had entered into engagements with the duke of Brabant, to stay in the Low-Countries till the war was ended it was not possible for him to keep his promise. His affairs necessarily called him into England: but to satisfy the duke, he left him in hostage four English lords of the first quality, besides the queen and his new-born prince, who continued at Antwerp for pledges of his return. After this affair was thus settled, he passed into England, where he arrived in February. Presently after he summoned a parliament<sup>s</sup>, which, upon granting him a considerable subsidy, ob-

into cloths within the king's dominions; one Thomas Blauket, and some other inhabitants of Bristol, set up looms in their own houses about this time. See Rymer's Fœd. tom. v. p. 137.

• Henry of Lancaster, earl of Derby; William de Montague earl of Salisbury, and earl marshal; William de Bohun, earl of Northampton; and Robert de Ufford, earl of Suffolk.

p Which met March 29. And therein the prelates, barons, and knights of shires, granted the king for two years, the ninth sheaf, fleece, and lamb; the citizens and burgeses, the ninth part of all their goods; and the clergy

a tenth. Rot. Parl. 14 Edw. III. Cotton's Abridg. p. 22. In consideration of this, several arrears and debts due to him, &c. were remitted. Waſſing. There was a parliament before this, which met the 20th of Jan. The prince being gone to Antwerp to his father, six commissioners were appointed to hold it in his room. In this, the commons granted the king for an aid twenty thousand sacks of wool; in the transporting of which, merchants and owners of ships were to bear half the charges. Cotton's Abridg. p. 19. Rymer's Fœd. tom. v. p. 153.

He publishes a declaration addressed to the French, Act. Pub. v. p. 160, 163. and a manifesto against Philip. Ibid.

He goes into England. Waſſing. Knighton. Act. Pub. v. p. 140.

Calls a parliament. Ib. p. 140. Waſſing. Brady's Ap. No. 86.

tained from him the confirmation of Magna Charta. Before they broke up, the lords and commons presented an address, praying that the title of king of France, used in the Public Acts, might have no influence on the affairs relating to England. This request was too reasonable not to be immediately granted. Though he had not yet acquired one foot of land in France, the new title was not displeasing to the English, who fancied their king was become the greater for it. But pope Benedict was not pleased with it at all. He used his utmost endeavours to persuade the king to quit the title, affirming, he had no right, by reason of the Salic law, concerning which Philip had taken care to instruct him to his advantage. But his exhortations were ineffectual.

The pope exhorts him to quit the title of king of France. Act. Pub. v. p. 173. Great preparations in England. Avesbury. Knighton. Froissart. lib. i. c. 55. Act. Pub. v. p. 195.

Though the first campaign had produced no considerable event, Edward's preparations were a plain indication, that he expected greater matters from the second. He had increased his fleet to three hundred sail of ships fit for war, and his army was much more numerous than the former. Every thing being ready about Midsummer, he embarked for Flanders, though he had intelligence, that the French fleet, consisting of four hundred sail, waited for him in the way to Sluys. His eager desire of acquiring fame, causing him to receive the news with more joy than surprize, he resolved to open a passage through the enemy, notwithstanding their superiority. He met them on the coast of Flanders, as he expected, and without hesitation began the engagement. This was the greatest and most memorable that had been yet seen in those seas, and the first wherein a king of England commanded in person. The ships, for the most part, grappling one another, both sides fought without stirring, as if they had been at land, from eight in the morning till seven at night. If Edward's valour filled the soldiers with admiration, his conduct raised no less wonder in the mariners, who were amazed to see him give orders with such prudence and foresight, that one would have thought he had commanded at sea all his life. The presence and resolution of the king, who appeared wherever was most danger, so encouraged his men, that they fought with an astonishing bravery. The French behaved, on their part, with great courage; but, after sustaining many hours the efforts of the English, they were forced at last to leap into the

Edward gains a victory at sea. Act. Pub. v. p. 195.

France suffers a great loss.

q The parliament besought him, that they might be bound to obey him only as king of England: and that this nation should not be in subjection to him as king of France. Whereupon the king gave the parliament his letters

patents of a singular nature for that purpose, which was also made into a statute ann. 1341. See Statutes at large.

r Two hundred and sixty. R. Avesbury.

sea,

sea, to avoid the sword of their enemies. Of the whole French fleet, but thirty ships escaped\*, the rest being either taken or sunk: so Edward's victory could not be more compleat. The English pretend, the French lost thirty thousand men. This grievous misfortune was long unknown to Philip, no one daring to carry him the news, till his buffoon, by an unlucky jest, gave him occasion to discover it†.

Edward's good success in this engagement, afforded him an opportunity of peaceably landing his troops in Flanders, where he assembled the finest army that was ever commanded by any king of England. It consisted of one hundred and fifty thousand men, English, Germans, Flemings and Gascons. With these numerous forces he besieged Tournay, after detaching fifty thousand men under the conduct of Robert d'Artois, who posted himself near St. Omer, to favour the siege. These last troops were chiefly composed of the militia of Flanders, who, knowing nothing of military discipline, went one day, without order, to the number of eighteen thousand, to attack the suburbs of St. Omer, with design to plunder. The duke of Burgundy, who had thrown himself into that place, not being able to bear this bravado, sallied out upon them, and slew above three thousand. The loss would have been inconsiderable, had it not produced a fatal effect. The same night, the Flemish troops, seized with a panic, quitted their camp in great disorder, and shamefully retired, some to their own homes, others into Edward's camp. Some affirm, there was a battle, wherein Robert d'Artois was entirely routed by the duke of Burgundy. But Froissart, a cotemporary author, who relates this event in the above-mentioned manner, seems more worthy of credit than after-writers.

Mean time Philip, at the head of an army much stronger than Edward's, was advancing to the relief of Tournay. He was accompanied by the kings of Navarre and Bohemia, with all the nobility of his kingdom. His design was not however to engage, but only to harraß the besiegers, in order to oblige them to raise the siege. Edward quickly perceiving Philip's intent, was very sensible how difficult it would be to take the town, whilst the French army was so near: wherefore, to oblige his enemy to alter his purpose, he sent a herald with a letter‡

\* Sir John Crabbe, one of king Edward's admirals, was detached with forty ships to pursue them, but could not overtake them. Knighton.

† He came into the king's presence, in a seeming passion, and cried out several times, "cowardly Englishmen, dastardly Englishmen, faint-hearted Englishmen." The king asked him,

why he called them so? The jester answered, "Because they durst not leap out of their ships into the sea, as our brave Frenchmen did." Walsing.

‡ Dated in the fields near Tournay, July 26. Rymer's Fœd. T. v. p. 199. Philip's answer is dated the 30th of the same month.

Edward besieges Tournay. AG. Pub. v. p. 197. Froissart. lib. i. c. 57. Walsing.

Def. at of the Flemings. lib. c. 67.

Philip approaches Tournay. Walsing.

Edward challenges him.

AG. Pub. v. p. 198. Walsing.

# THE HISTORY

challenging him to single combat, or offering to decide their quarrel by a hundred on each side, or else by a general battle. The letter was directed, "To Philip de Valois," without any other title. Philip answered, "He had seen a letter addressed "To one Philip de Valois, but as it was not for him, he returned no answer to the contents: nevertheless, he took this occasion to acquaint him, that with God's help, he hoped to drive him in a short time out of his territories."

His answer.  
Act. Pub.  
v. p. 198,  
199.

Edward  
in great  
perplexity.

It was difficult to forward the siege of Tournay, by reason of the French army, which never ceased night and day to harraßs the besiegers. Edward was three months before the town, without making any great progress; and yet could not resolve to raise the siege, though there was little prospect of success. He was in great perplexity, but was freed from it by Joanna de Valois his mother-in-law, sister of the king of France, and widow of the late earl of Hainault. This princess, who was retired to the abbey of Fontenelle after the death of her husband, came from her retreat to try to reconcile the two monarchs, one her brother, the other her son-in-law. She so managed it, that at length she prevailed with them to consent to a truce, which was to last from the 20th of September, to the 25th of June the next year. It was afterwards prolonged for two years by the pope's mediation. As soon as the truce was signed, Edward departed for England with his queen, who had lived three years in the Low-Countries. She had been delivered there of two princes, namely, Lionel [at Antwerp] and John at Ghent, known afterwards by the name of the duke of Lancaster.

Proissart.  
lib. i.  
Knighton.  
Col. 2578.  
Walsing.

Truce be-  
tween the  
two kings.  
Knighton.  
Act. Pub.  
v. p. 205,  
260, 281.  
Edward re-  
turns into  
England.  
Ib. p. 216.

It was a great mortification to Edward to be obliged, by the necessity of his affairs, to make a truce against his inclination, and which in effect broke all his measures. Three very urgent reasons compelled him to take this step, which seemed so little agreeable to his vast designs. First, the defection of the emperor and the duke of Brabant, who had both receded from the league. Secondly, the excessive charge of maintaining so numerous an army, for which the money that came from England in less sums than he expected, could not suffice. Lastly, it was only a truce, which might save him the shame of raising the siege he had undertaken. These reasons were

The emperor  
and duke  
of Brabant  
fall off.  
Act. Pub.  
v. p. 258.  
Knighton.  
Walsing.

\* During Edward's absence, viz. July 7, a parliament met at Westminster; wherein the lords and commons granted his majesty the ninth of their corn, wool, and lambs. And the clergy undertook to raise twenty thousand sacks of wool for their service; so that for every sack of the best sort, the king should be answered six pounds; for others, five pounds; and for the worst of all, four marks; besides his custom of forty shillings for every sack. Rymer's Fœd. tom. v. p. 197 Cotton's Abrig, p. 27.

not only sufficient to induce him to sign the truce, but also indispensably engaged him to procure some repose, in order to remedy the inconveniencies caused by the levity of his allies, and the exhausting of his treasure. As for the duke of Brabant, he allured him some time with the hopes of the fore-mentioned marriage: he even demanded the pope's dispensation for it. But the affair, whether obstructed by the king himself, or the court of Rome, came to nothing. Whereupon the duke of Brabant finding himself amused, withdrew his troops, without openly breaking however with the king. As to the emperor, the assistance Edward received from him was so inconsiderable, that he would not have been much weakened by that loss. But the emperor, in making a private peace with France, on pretence that Edward had concluded a truce without him, had at the same time revoked his patent of Vicar General of the Empire. This unforeseen accident, which caused some of the German princes to go from the league, obliged Edward to take other measures.

Act. 1b.  
v. p. 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

The emperor revokes his grant of vicar general.  
Ib. p. 262.  
Knighton.  
Walsing.

But Edward's chief business was to consider how to pay his debts, which were very considerable. Moreover, it was necessary to find means to continue the war when the truce should be expired, without being liable to the like inconveniences. When he left England, he settled his affairs in such a manner, that he did not question to receive punctually the money he wanted for to pay his numerous army. But he was no sooner engaged in the siege of Tournay, but, contrary to his expectation, he was in want of money, and found himself thereby in very great straits \*. Upon his arrival at London, he highly complained of the archbishop of Canterbury, whom he had left prime minister in his absence. He accused him of maliciously obstructing the levying of the subsidy granted by the parliament, though it was by his advice and instances, that he had engaged in the undertaking. Moreover he complained, that having begun the siege of Tournay upon the archbishop's assurances that nothing should be wanting, he saw himself abandoned when he had most need of assistance. That the archbishop had not only broke his word, but likewise opposed all the expedients offered to raise money.

Quarrel between the king and the archbishop of Canterbury.  
Angl. Sacr.  
Walsing.  
Act. Pub.  
v. p. 225, 236, 240.

\* The king, upon his return, ordered the following persons to be imprisoned, the lord Nicolas de la Beche, constable of the Tower; Andrew Aubrey, mayor of London; the lord Thomas Wake; Sir John St. Paul, keeper of the great seal; the bishop of Chichester, chancellor; the bishop of Litchfield

and Coventry, lord treasurer; Sir John Stonore, lord chief justice of the King's bench; Michael Wath, Henry Stratford, and Robert Chickwel, clerks of the chancery; and Philip Thorp, clerk of the exchequer; who had been concerned in levying the subsidies, and had not acted honestly. Walsing.

1341.

Walsing.

The arch-  
bishop sub-  
mits.Benedict  
XII. par-  
tial to  
France.  
He puts  
Flanders  
under an  
interdict.  
Walsing.Negotiation  
for a peace  
between the  
two kings.  
Act. Pub.  
v. p. 252,  
260, 306.  
Knighton.

In short, that he was the sole cause of the length and ill success of the siege of Tournay. The archbishop, seeing himself thus exposed to the king's displeasure, attempted in his turn to vex him. He complained of an extraordinary levy of money made since the king's return, contrary to the liberties of Magna Charta, and threatened the collectors with excommunication. His aim was to raise a commotion among the people. Probably, he would have carried his revenge farther, if he had not perceived his proceedings disapproved by the parliament. As he was afraid of being abandoned, he chose, though somewhat of the latest, to cast himself upon the king's mercy. Edward very willingly received his submissions, for fear of engaging in a quarrel, which must have been prejudicial to him, by reason of his frequent occasion for the clergy's assistance.

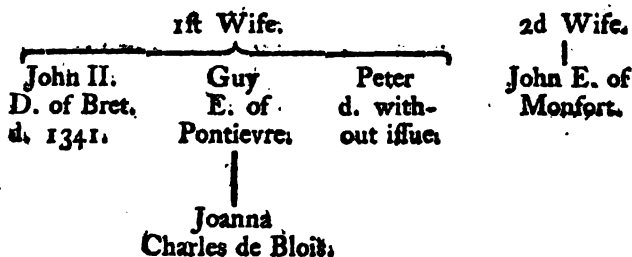
Some have imagined the archbishop suffered himself to be gained by the pope, who was displeased with the war, and very much biased in favour of France. There appeared quickly after a sensible proof of the pope's partiality in his putting all Flanders under an interdict, because the Flemings had taken part against the king of France their sovereign lord. The Flemish clergy observed the interdict so strictly, that people were obliged to send into England for less scrupulous priests to celebrate divine service. The Flemings received these ecclesiastics without any scruple, and pretended to evade the pope's censures, by affirming they were built upon a wrong foundation, since Edward was the real king of France, and Philip an usurper.

The war undertaken by Edward against France had succeeded so ill, that all his expences had not acquired him one foot of land in the kingdom he had pretended to conquer. After so great, though fruitless endeavours, there was no appearance of his ever being able to exert the like: consequently, it would probably make him desist from his design. Besides, the truce affording his enemy leisure to prepare, he could have no hope of surprizing him: and yet, it is hard to judge, whether the negotiations for a peace during the truce were sincere on his part, or intended only to amuse his enemy. Be this as it will, if he really designed to make peace, he was not long in that mind. The prospect of fresh advantages from the posture of affairs in the duchy of Bretagne, soon made him resolve to improve so favorable a juncture. The share England had in the quarrel concerning the succession of that dukedom, obliges me to give some account of the case, for the better understanding of the sequel.

ARTHUR



## ARTHUR II. duke of Bretagne.



Arthur II. duke of Bretagne, left three sons by his first wife, John II. who succeeded him, Guy earl of Pontievre, and Peter. By a second wife he left a fourth son called John, who was earl of Montfort by his mother. John II. and Peter had no issue. Guy, who died in 1330, left a daughter named Joanna, who was given by her uncle John in marriage to Charles de Chatillon, brother to Lewis earl of Blois. He was generally called Charles de Blois. John II. dying in 1341, there remained two of the family, John earl of Montfort, and Joanna his niece, wife of Charles de Blois. They both laid claim to the dukedom. Joanna by right of representation, as daughter of Guy elder brother of John de Montfort, and this last as brother of the late duke, and consequently one degree nearer than his niece. He pleaded likewise the advantage of his sex; a reason of little weight, since Bretagne owned not the authority of the Salic law. But Charles had a great advantage over his competitor; namely, his being nephew to Philip de Valois, who was to decide the affair. On the other hand, the earl of Montfort had so managed, that immediately after the death of the duke his brother, he got possession of Bretagne, and caused the greatest part of his subjects to swear fealty to him: nay, he was now gone to England, where he had privately done homage to Edward, acknowledging him for king of France; and made alliance with him. By this proceeding, of which Philip informed, he entirely forfeited that monarch's favour, who had no great kindness for him before. However, Philip willing to observe the customary formalities, ordered the two competitors to be summoned before the court of peers, to defend their rights and receive judgment. Montfort very imprudently repaired to Paris, imagining what he had in England was still a secret,

Arthur II.  
Bretagne.  
Argent.  
Hist. de  
Bret.  
Froissart;  
lib. 1. c. 69;  
&c.

Dispute be-  
tween John  
de Montfort  
and Charles  
de Blois.  
Walsingh.

They are  
both cited  
before the  
peers.

curet,

between the two crowns a truce for three years<sup>7</sup>, wherein all the allies on both sides were included. They made the two kings likewise promise to send ambassadors to Avignon, to treat of a peace by the pope's mediation.

Affairs of  
Scotland.

A.G. Pub.  
tom. v.  
p. 126.  
Progress of  
the Scots  
since 1339:  
Robert Stuart  
besieges  
and takes  
Perth in  
1339.  
Buchanan.

Whilst Edward was employed in his wars with France, the Scots had endeavoured to recover their liberty. Since Edward quitted Scotland, king David's adherents had gained great advantages over Baliol, who commanded the English army, but had not sufficient forces to stop their progress. Robert Stuart, regent of Scotland for king David, maintained by his valour and conduct the interests of the young exiled prince. He was bravely seconded by William Douglas and some other lords, who still retained an inviolable fidelity for their lawful sovereign. Though a body commanded by Douglas, received a sad loss, Robert still continued to keep his ground: he even saw himself, shortly after, in a condition to besiege Perth or St. Johnston, the strongest place the English had in Scotland. The siege lasted three months, by reason of the besiegers great want of ammunition; but a seasonable supply from France enabled them at length to take the place. This loss obliged Baliol to quit the centre of the kingdom; and retire to the borders; where he sheltered himself by means of the places he had resigned to the English. The truce concluded before Tournay, wherein Scotland was included, obliged Stuart to lay down his arms for some time. But not sooner was the truce broken; on account of the affairs of Bretagne; but the Scots re-assembled, and besieged Sterling, of which they became masters; after numberless assaults without any intermission.

Knighton.

and Sterling  
in 1340.

Edward  
marches  
against Scot-  
land in 1343  
A.G. Pub.  
tom. v. p.  
290, 300.  
His fleet  
suffers by a  
storm.  
Knighton.  
Buchanan.

This progress convincing Edward of his mistake, in imagining that kingdom was disabled from giving him any trouble; he resolved to invade it once more by sea and land. To that purpose he repaired to the frontiers, where he waited for his fleet, which was to join him at Newcastle: but a violent storm, which lasted several days, rendered his ships unserviceable for that year. This accident hindered his entering Scotland, as it deprived him of the provisions and ammunition on board his fleet. He could not expect to find any in the enemy's country, because the Scots themselves laid it waste, to deprive his army of means of subsisting. However, their ignorance of his state freed him from his difficulties. As

<sup>7</sup> Rapin, by mistake, says for two. It was to be from the beginning of February till the Michaelmas ensuing; and from that time it was to be till the

Michaelmas come three years. See Rymer's Fœdera, tom. vi p. 357, 367. This truce was signed January 16. 1343.

they saw themselves much inferior to that prince, who threatened their country with utter desolation, they humbly sued for a truce, which they thought themselves happy in obtaining. Edward took care not to refuse it; but taking advantage of their terror, would grant it only upon the condition that they should own him for sovereign of Scotland, and renounce their allegiance to king David, in case that prince came not in person into the kingdom before the next May, with an army strong enough to give battle. This condition put the king of France under a necessity of assisting his ally better than he had hitherto done, for fear of being deprived of the advantages procured by the frequent diversions of the Scots: wherefore he furnished king David with men and money, and sent him into Scotland, where he levied a very considerable army, consisting, as it is said, of sixty thousand men, Scots, French, Danes, and Norwegians. With these troops he marched towards the frontiers of England, and penetrated as far as Durham, which he besieged: in a few days he took the city, and put all the inhabitants to the sword. He would have proceeded, but upon advice that Edward was hastening to give him battle, he resolved to retire, his generals representing to him that he could not stay any longer in England without exposing himself to the hazard of a battle, which might a second time endanger his kingdom. Whilst he was marching back to Scotland, the garrison of Werk castle, belonging to the countess of Salisbury, falling upon some of his troops that were behind, he was so incensed that he resolved to take the castle. He stormed it several times, but was bravely repulsed by the countess's people, who was herself in the place. This resistance, and the news of Edward's approach, made him desist: he could not retire more seasonably, since Edward came that very day to the castle. He paid a visit to the countess of Salisbury<sup>a</sup>, which has given occasion to some historians to say he fell desperately in love with her. It would be easy to confute what they groundlessly advance; but as his love, whether true or false, produced no remarkable event, it will be needless to say any thing of it. Next day Edward continued his march in quest of the enemy, but being informed the Scots were retired to Gedeour's<sup>a</sup> forest, he ceased his pursuit. As his affairs were not yet in a good posture in Scotland, and the war was very unseasonable with regard to the measures he

He grants the Scots a truce. Act. Pub. tom. v. p. 305. Knighton.

David returns to Scotland; Froissart. lib. i. cap. 73. Buchanan. lib. ix. takes Durham, and retires; Knighton.

is repulsed at Werk.

Edward visits the countess of Salisbury. Froissart.

He concludes a truce for two years with D. vii.

<sup>a</sup> She was sister to John Plantagenet earl of Kent, and daughter of Edmund late earl of Kent, king Edward's uncle. J. Barnes, p. 251.

<sup>a</sup> So it is called by Froissart, lib. i. cap. 81. But by our English historians, Yedworth. See Tyrrel, vol. iii. p. 465.

Act. Pub.  
tom. v.  
P. 379.

Edward  
calls a par-  
liament.  
Knighton.

Statute of  
Provisors.

Act. Pub.  
tom. v.  
P. 377, 382,  
383.  
Knighton.

Ib. p. 392.

was to take against France, he sent David an offer of a two years truce, which was accepted with Philip's consent. The truce helped the king of Scotland to fix himself more firmly in his throne, and gave the king of England time to think of his other affairs.

Edward's thoughts for many years were so wholly engrossed by military affairs, that he had not been able to find time to redress several grievances complained of by the people, and which highly deserved a particular attention. When the truce with France and Scotland afforded him some respite, he called a parliament to consult of means to secure the welfare and tranquility of the nation. During the session, which lasted good part of the winter, the parliament made it their chief business to enact divers regulations, very beneficial to the people and not opposed by the king: on the contrary, Edward very solemnly confirmed all the liberties contained in the Magna Charta, showing thereby that he had no less at heart the good of his people, than his own or that of his successors. Among the several acts passed in this parliament, one of the most important was the Statute of Provisors, that is, an act against those who brought provisions from the court of Rome for benefices. The former popes very much abused the power they assumed to dispose of the benefices of the kingdom: without staying till they were vacant, they frequently conferred them on persons, who were to take possession upon the death of the incumbents, which raised loud complaints from the patrons. Clement VI. proceeding in this respect farther than any of his predecessors, the parliament had been forced to complain of it to him, but to no manner of purpose. Instead of reforming the abuse, which was the more intolerable as all the benefices were bestowed upon foreigners, the pope exhorted the king in a letter, to withdraw the complaints against the provisions, which in his opinion were an undeniable prerogative of the holy see. This letter showing it was in vain to expect any redress from the pope, the parliament resolved to provide against this abuse by their own authority. To that end the fore-mentioned statute was passed, whereby it was forbid, under severe penalties, to bring for the future the like provision into the kingdom<sup>b</sup>. Though the statute extremely displeased the pope,

<sup>b</sup> Rapin, by mistake, says the act makes it death. In case any person was convicted, he was to abide in prison till he had made fine and ransom to the king at his will, and satisfaction to the

party that should feel himself aggrieved; and likewise find sufficient surety not to do the like in time to come, 25 Ed. III. See the Statutes.

he thought fit to be silent, being informed that the king and parliament were resolved to support it, and condemn his censures, in case he had recourse to them. However, not to suffer his pretended right to be entirely lost, he feigned to take no notice of the act: but although he afterwards granted, from time to time, several provisions, it was with such caution, that the abuse was considerably lessened during this whole reign. On the other hand, the king, who had no mind to break with the court of Rome, was content with leaving the statute in force without a rigorous execution. But in process of time, under Edward's successors, the popes returning to their former courses, there was a necessity frequently to renew this statute, which was called the Statute of Præmunire, containing, besides the prohibition of provisions, several other cases concerning the disputes with the popes.

In this parliament the king created Edward his eldest son Prince of Wales; and invested him with a coronet and a ring of gold. This prince was then thirteen years old, and gave great hopes of what he would one day prove.

Prince Ed.  
ward created  
prince of  
Wales.

Whilst Edward seemed wholly employed with domestic, he neglected not foreign affairs. His mind was continually on the rack, to find means to renew the war with France, the moment the truce should be expired. He appeared however inclinable to peace, and continued at the court of Rome negotiations, which daily met with fresh obstacles. But, whether his view was only to amuse his enemy by these negotiations, or he expected them to be unsuccessful, he neglected not his preparations for war. He had found so little advantage in his alliances with the princes of Germany and the Low Countries, who had caused him to consume such immense sums to no purpose, that he resolved to take another course. To that end he dispatched into the Low Countries and Germany, agents, with power to treat with all sorts of persons that were willing to supply him with men or money. Besides that all these aids, when drawn together, would produce the same effect with much less expence; he hoped to be able to dispose of his troops more absolutely than of those of the princes: moreover his aim was to render Philip's intrigues more difficult, whereby he was perpetually endeavouring to corrupt his allies. For the better accomplishing his design, and to draw into his kingdom foreign lords, with whom he might in person negotiate, he bethought himself of

Edward pre-  
pares for war  
with France.

Æt. Pub.  
tom. v.  
P. 409.

\* See the notes in the State of the church, at the end of the reign of Richard II.

an expedient which could not fail of success, because it was entirely agreeable to the taste of that age. He ordered tournaments to be published, and gave an honourable reception to all persons of distinction that were pleased to be present, caressing them in such a manner that they could never sufficiently admire his politeness, magnificence, and liberality.

To render these entertainments the more solemn, and withal to free himself from the ceremonies, to which the difference of rank and condition would have obliged him, he caused a circular hall of boards to be run up at Windfor, two hundred feet in diameter. There it was that he feasted all the knights at one table, which was called the Round Table, in memory of the great Arthur, who, as it is pretended, instituted an order of knighthood by that name. Next year he caused a more solid building to be erected, that he might continue yearly the same diversions. During that time he treated with several lords about the aids wherewith each could furnish him in proportion to his forces. The Collection of the Public Acts is full of the treaties with private persons, managed either by himself or his agents. Philip could not see without jealousy, Spaniards, Italians, Germans, Flemings, and Frenchmen themselves, flock to England to assist at the tournaments.

He suspected some hidden design in these entertainments; and to break Edward's measures, caused the like to be published in his dominions<sup>d</sup>. This way of opposing his enemy was in itself just and honourable; but soon after he used another means that was not so generally approved, and was attended with great consequences. It is affirmed, that having drawn to Paris, under colour of a tournament, Oliver de Clifson and ten or twelve other lords of Bretagne, who attended Charles de Blois, he commanded their heads to be cut off, without any formality. But it appears by a letter from Edward to the pope upon that occasion, that Philip did not allure these lords to Paris, but apprehended them in Bretagne.

As this action was the cause of breaking the truce, it will be necessary to explain it; for there is no other way of knowing who was author of the rupture. Oliver de Clifson, a lord of Bretagne, having served Charles de Blois, during the war, was taken prisoner by Edward, who having probably gained him, consented he should be exchanged for an Englishman<sup>e</sup>. Whether Philip had proof of his changing sides, or only suspected it, he ordered him to be apprehended in Bre-

The Wind-  
for tourna-  
ments.  
Walsing.

The Round  
Table.

Design of  
the tourna-  
ments.

Philip pub-  
lishes the  
like.  
Walsing.

He beheads  
several lords  
of Bretagne.  
Froissart,  
lib. ii. c. 1. 6.  
A. Pub.  
tom. v.  
p. 453.

Explanation  
of this affair.

<sup>d</sup> And also gave his subjects free leave to cut down timber in his forests, and build ships, that he might be able to beat the English at sea. Walsing.  
<sup>e</sup> He was exchanged for the lord Stafford. Froissart.

tagne, with ten or twelve lords and gentlemen, and conducted to Paris, where their heads were struck off. I believe I may venture to affirm, these lords were apprehended in Bretagne, because the pope in his answer to Edward's letter and his vindication of Philip, said not a word to the contrary. But perhaps some of these lords or gentlemen were seized at Paris, and the rest in Bretagne, by the king's order. What makes it so difficult to judge rightly of this action of Philip, is, that, according to Froissart, Argentré, and all the French historians, these lords had always espoused the quarrel of Charles de Blois; and yet Edward in his letter to the pope, calls them his Adherents<sup>f</sup>. They must therefore have changed sides, either publicly or privately, after the truce, and this is difficult to know precisely. It seems however, Edward would have had no reason to concern himself in the affair, if the lords had only been his private adherents, whilst outwardly they continued attached to the interests of France. This, added to Edward's letter to the pope, seems to prove at least, some of these lords openly declared for the earl of Montfort. Upon this supposition, there is no doubt that Philip violated the truce, in commanding them to be seized in Bretagne. But, on the other hand, if the lords are supposed to have been only Edward's secret friends since the conclusion of the truce, the two following questions may be put. First, whether Philip had a right to cause them to be seized in Bretagne, during the truce? Secondly, whether as sovereign lord of Bretagne, he might exercise such a power over these lords, especially as the putting them to death in so illegal a manner, was rather a murder than an act of justice? Be this as it will, Edward pretended that by this action the truce was violated, and Philip maintained that Edward used a false pretence to break it.

Walsing.  
Act. Pub.  
v. p. 453.

Edward was so enraged at the tragical death of the lords of Bretagne, that he was going to behead the Bretagne prisoners of Philip's party, which were in his power; but, upon the remonstrances of Henry of Lancaster, he altered his resolution. However, he sent for Henry de Leon, one of the prisoners, and told him, with great emotion, that though the death of his countrymen, beheaded at Paris, was a sufficient reason to serve him in the kind, he was unwilling to follow so bad an example, or to revenge himself on the innocent, but intended to punish the author himself of that barbarity. Then he said, though he might demand of him a

1344.  
Edward  
sends word to  
the king of  
France that  
the truce  
was broken.  
Act. Pub.  
v. p. 443,  
450.

<sup>f</sup> Quorundam nobilium, nobis adherentium, captorum in Britannia. Rym. Fed. tom. v. p. 453.

ransom of thirty or forty thousand crowns, he would release him for ten thousand, on condition he would go in his name and defy Philip, and declare to him, that having violated the truce by this base action, he must prepare for war.

He sends a  
defiance to  
Philip.  
*Ibid.* p. 449.

The earl of  
Derby be-  
gins the war  
in Guienne.  
*Froissart.*

*l. i. c. 107.*  
Walsing.

Edward re-  
ceives the  
homage of  
Montfort  
and Har-  
court.

*Argenté.*  
*Act. Pub.*

*v. p. 452,*  
*460, 465.*

*Froissart.*  
*l. i. c. 118.*

*Buchanan.*  
*Act. Pub.*

*v. p. 453.*  
*465.*

These were not fruitless menaces. Edward, in his resolution to push the war with more vigor than ever, ordered a commission to be drawn up, constituting the earl of Northampton his lieutenant-general in France, commanding him at the same time to defy Philip, and declare war against him by sea and land. Shortly after he sent into Guienne, Henry of Lancaster earl of Derby<sup>a</sup>, to begin hostilities, till he should come himself, designing to exert himself most in that province. Mean time he sent for John de Montfort into England, who had made his escape from Paris, and received his homage for Bretagne. He received likewise the homage of Geoffrey de Harcourt<sup>b</sup>, for his lands in Normandy confiscated by Philip, and promised by letters patent, either to recover his estate, or give him an equivalent in France or England. Shortly after he published a manifesto, concerning all the injuries received from Philip de Valois. He exhorted the French to own him for sovereign, promising to exempt them from taxes, and govern them according to the laws and customs observed in France, under St. Lewis his predecessor. He forgot not to write to the pope, to inform him of his reasons to renew the war; but the pope's answer plainly showed him to be a partial mediator. He not only excused Philip's proceedings against the lords of Bretagne, and charged Edward with being the first violator of the truce, but threatened also to exert his apostolic authority against him. This was sufficient to convince Edward, he could expect no favour from the pope; accordingly he addressed himself to him no more, but only for form sake, and to keep a decorum<sup>c</sup>.

1345.  
Edward goes  
into Flanders

*Ibid.* p. 472,  
474.

Whilst these things were transacting, Philip was trying to disengage the Flemings from the interest of England. Ed-

<sup>a</sup> Along with him was sent Richard Fitz-Alan earl of Arundel, as joint lieutenant; and also Laurence Hastings earl of Pembroke, John de Vere earl of Oxford, the lord Stafford, sir Walter Manny, &c. together with three hundred knights and esquires, six hundred men at arms, and two thousand archers. They landed at Bayonne, June 6. *Froissart. lib. i. cap. 107.*

<sup>b</sup> Brother of the count of Harcourt: he was a very considerable nobleman, lord of St. Saviour le Vicompte, and set

veral other towns of Normandy. He was banished from France, upon account of some jealousy conceived of him by king Philip. *Froissart.*

<sup>c</sup> This year a parliament met at Westminster, June 7, which granted the king a tenth for three years. And the commons granted the king, besides, two fifteenths of the commonalty of the land; and two tenths of the cities and buroughs: after which the commons granted another fifteenth. *Rot. Parl. 18 Edw. III.*

ward



ward hearing of these practices, suddenly passed into Flanders, where he staid but three weeks. At his return he pretended to have prevented the mischiefs, he had reason to fear, from the inconstancy of the Flemings; but the sequel showed he had flattered himself too much, or the Flemings had deceived him, since it is certain they never more gave him any assistance.

Mean time the earl of Derby made a considerable progress in Guienne, where he carried by storm the town of Bergerac, which was given up to be plundered. History ought to record the generosity of that general, seldom imitated by those of our days. Whilst the English were busy in plundering the town, a Welch knight chanced to light upon the receiver's office; he found there such a quantity of money, that he thought himself obliged to acquaint his general with it, imagining so great a booty belonged to him: but he was agreeably surprized when the earl told him, with a pleasant countenance, that he wished him joy of his good fortune, and did not make his word to depend on the greatness or smallness of what he had promised <sup>k</sup>.

Progress of  
the earl of  
Derby.  
Froissart.

Generous  
act of his.  
Walsing.

This year the Scots, at the instigation of the king of France, made an inroad upon the borders of England, but were repulsed by Edward's troops in the northern counties.

John de Montfort, who took the title of duke of Bretagne, died in September, leaving to the king of England the guardianship of his son, and to Margaret his duchess the management of a very important war.

Knigh-ton.

Whilst these things passed, Edward lost the assistance of a powerful ally, by the death of James d'Arteville, who was torn in pieces by the Flemings <sup>l</sup>. His death entirely changing the face of affairs in the Low Countries, it was by no means proper to attack France from that quarter; for this reason Edward resolved to carry the brunt of the war into Guienne.

1346.  
The duke of  
Normandy  
makes great  
progress in  
Guienne.  
Froissart.  
l. ii. c. 119,  
122.

The duke of Normandy had now entered that province at the head of sixty thousand men <sup>m</sup>, to stop the progress of the

<sup>k</sup> Mr. Tyrrell thinks it most probable, that this happened at the taking of Montstrevil and Bonnin; but it might have been at the taking of Bergerac; if, as Knighton relates, that town was so full of riches, that the earl of Derby got there a pipe full of gold.

<sup>l</sup> He had formed a project, in order to raise his family, utterly to disinherir Lewis earl of Flanders, and to put the government of it into the hands of

the king of England, on condition he would bestow it upon prince Edward his son, with the title of duke. Accordingly, king Edward went over about Midsummer, to Soys for that purpose; but the populace disliking Arteville's proposal, one of them slew him outright. Froissart.

<sup>m</sup> Froissart says, he had with him about one hundred thousand men.

The famous  
siege of Ai-  
guillon.  
Ed. c. 124.

earl of Derby, and complete the conquest thereof. Upon the approach of this formidable army, the earl left the field and retired to Bourdeaux. His retreat giving the duke of Normandy an opportunity of retaking several places, he was at length engaged in the siege of the castle of Aiguillon, seated upon the confluence of the Gironne and Lot. The siege was very remarkable, as well for the vigorous assaults of the besiegers, who, for a whole week, stormed the town three times a day, as for the brave defence of the besieged, who were not to be discouraged by so frequent attacks. To relieve these brave men Edward hastened his preparations, determining to go in person and oppose the duke of Normandy's progress.

1346.  
Edward im-  
barks for  
Guienne.  
A&C. Pub.  
v. p. 517.  
Froissart.  
l. i. c. 124.  
Knighton.

Every thing being ready for his departure, he came to Southampton, bringing with him the prince of Wales his eldest son, about sixteen years old, who was to make his first campaign. Before the embarkation of the troops he assembled his principal officers, and "exhorted them so to behave, "as should render them worthy of his esteem, and the rewards he designed for those that discharged their duty. He declared his intention was to send back his ships the moment he arrived in Guienne; and therefore it would be in vain to hope to see their own country again unless they returned victorious. He added, if any man's heart failed him, he need only speak freely, and he should instantly have his leave to stay behind." This speech being spread in the army, the soldiers cried out with one voice, they were ready to follow their king where-ever he was pleased to lead them. So sudden and universal a resolution inspiring him with great hopes, he embarked his troops with design to sail for Guienne; but the wind proving contrary, he was driven back twice. Geoffrey de Harcourt, who attended him, made use of this juncture to persuade him to land in Normandy, a plentiful country, which had long been exempted from the calamities of war. Edward following his advice, landed at la Hogue in le Cotentin, where he was by no means expected.

He puts  
back twice.  
Walsing.  
v. p. 522.  
He lands in  
Normandy.

<sup>a</sup> But first held a great council at Westminster, where, by their advice, he took into his hands all the revenues in England enjoyed by alien ecclesiastics, and the cardinals of the French nation. Rymer's Fœd. tom. v. p. 492.

<sup>c</sup> He set sail July 4, but was driven back on the coast of Cornwall. His army consisted of four thousand men at arms, ten thousand archers, twelve

thousand Welsh footmen, and six thousand Irish; besides great numbers of the chief nobility, whose names see in Froissart. Knighton says, he had one thousand six hundred ships, great and small.

<sup>p</sup> This he might do by way of retaliation, for a project formed by the people of that country, and their duke, to come and invade England. See Rymer's Fœd. tom. v. p. 504, 507.

The

The moment he landed he knighted the prince of Wales, and several other young lords<sup>q</sup>; after which he headed his army, consisting of thirty thousand foot, and two thousand five hundred men at arms. He divided his troops into three bodies, who marched separately in the day, but commonly rejoined in the evening, in order to encamp all together. In their first marches they revenged in a terrible manner, the death of the lords beheaded at Paris. Valogne, St. Lo, Carentan, Harfleur, were the first towns that felt the fury of the English arms. Ralph earl of Eu, Constable of France, then at Caen, offering to oppose the English, with the militia of the country, served only, by his being defeated and made prisoner, for a happy presage of their future victories. After the defeat of the constable, Edward continued his march through the bishoprics of Lisieux and Evreux, burning and plundering whatever came in his way. He halted not till he arrived at Poissi, where he staid some days to provoke Philip to engage, by sending a herald to him with a defiance, which was not accepted. Philip had another design, and that was to inclose him between the Seine and the Oyse. Had the project succeeded; the English army would have been unavoidably ruined; but Edward perceiving his intent, though somewhat of the latest, decamped from Poissi in order to pass the Somme, and take shelter in Ponthieu, knowing his enemy was advancing with an army of an hundred thousand men. He marched a good way down the Somme, without finding any passage; at last, he discovered the ford of Blanchetaque by means of a prisoner<sup>r</sup>, who was perfectly acquainted with the country. Though the discovery seemed at first a great advantage, he quickly found the difficulties of his retreat were not much lessened. Philip foreseeing the enemy might take that rout to retire, detached Gondegar du Fay, with a body of twelve thousand men to guard the ford, on which depended the success of his designs. Edward saw himself therefore under a necessity, either of forcing the passage, or fighting with great disadvantage his enemy, who was closely pursuing him. Being come to a resolution, he ordered his troops to advance, who being animated by the presence of their king, cast themselves into the river with such intrepidity, that they began to vanquish their enemies before they came to the charge. One may easily imagine the difficul-

He knighted the prince of Wales, &c. p. 527.

and ravages the country. Mezerai. Froissart. l. i. c. 125, 126. Knighton.

Advances to Poissi. Ad Marins. Philip tries to inclose him between two rivers.

Edward retires into Ponthieu. Froissart. l. i. c. 122.

He forces the pass defended by the French. lb. c. 129. Knighton.

<sup>q</sup> William de Montacute earl of Salisbury, Roger lord Mortimer, &c. <sup>r</sup> A yeoman's son of Normandy called Gobin Agace, Froissart, Chron. Evash.

## THE HISTORY

ties which occur in such a passage, in the face of the enemy, for an army which cannot enlarge its front beyond the breadth of the ford, and is obliged to march through the water, and at the same time handle their arms. But all this was not capable of stopping the English, who, in the sight of their king, witness of all their actions, marched through all obstacles, as to a certain victory. It was not possible for the French to sustain so furious an attack. After some endeavours to repulse the English, they were forced to abandon that important passage, through which Edward immediately marched his whole army. The same evening he encamped at Cressy, whilst Philip passed the Somme at Abbeville, but three leagues from thence.

He stays for  
Philip at  
Cressy.  
Froissart.  
Knighton.

Edward seeing himself so closely pursued, and perceiving it would be impossible to avoid fighting, stopped short to expect his enemies, and chose an advantageous ground, where he drew up his army. Philip being persuaded that Edward's retreat was the effect of his fear, did not question that to overtake was to conquer. So, not to afford him time to retire any further, he marched next day to Abbeville, with design to attack him. The English army was divided into three bodies, of which the prince of Wales commanded the first<sup>a</sup>. The second was led by the earls of Northampton and Arundel<sup>b</sup>, and the lord Roos. The king kept at some distance with the third<sup>c</sup>, to assist those that should want it. Philip could not come in sight of the enemy till three in the afternoon, having marched that day three leagues, so that it was almost four o'clock when the battle began. He had likewise divided his army<sup>d</sup> into three bodies, the first where-

Battle of  
Cressy.  
Froissart.  
c. 135.  
Knighton.  
Walsing.

<sup>a</sup> And with him were joined, Thomas Beauchamp earl of Warwick, John Vere earl of Oxford, Geoffrey Harcourt; and the following lords, Ralph Stafford, John de la Ware, Thomas Holland, Reginald Cobham, Bartholomew Burwash, John Mobun, Robert Bourchier, John Chandos, Thomas Clifford, and sir Roger Neville; this body consisted of eight hundred men at arms, four thousand archers, and one thousand, or, according to others, six thousand Welshmen.

<sup>b</sup> Richard Fitz Alan earl of Arundel, and William Bohun earl of Northampton; together with the lord John Willoughby, the lord Ralph Basset of Sapcote, the lord Multon, sir Lewis Tuston of Toketon. This body consisted of eight hundred men at arms, two

thousand four hundred archers, and four thousand bill-men.

<sup>c</sup> Who had with him John lord Mowbray, Roger lord Mortimer, Thomas lord Dagworth, sir Richard Goldborough, sir Richard Damory, sir Nele Loring, sir Hugh Hastings, sir John Butterell. This body consisted of seven hundred men at arms, six thousand archers, and five thousand three hundred bill men, in all twelve thousand men, and the whole army amounted to thirty thousand compleat. J. Barnes. Froissart.

<sup>d</sup> It consisted of near one hundred thousand men. See Froissart, cap. 122, 129. The French army began the attack, it seems, against the king's orders, and engaged in a very confused and disorderly manner; and besides, had the sun in their faces.

of consisted of Genoese \*, under the command of Antonio Doria, and Carolo Grimaldi. As the chief strength of his infantry lay in these troops, he would have them charge first. Just as the battle was going to begin, a great and sudden rain slackening the strings of the Genoese cross-bows, they became unserviceable. However, as they were now too far advanced, they saw themselves exposed to a shower of English arrows, which made them give ground. Charles earl of Alençon, the king's brother, who supported them with a great body of horse, seeing them give way, without knowing the cause, imagined there was treachery, and immediately ordered the horse to fall upon them, by which rash action he began to put the French army in disorder †. Mean time, the earl never troubling himself about the Genoese, nor minding what passed behind him, attacked the first body of the English, commanded by the prince of Wales, and was received with a firmness he little expected. He continued however his efforts, which only caused him to lose his life, valiantly fighting. By his death, the body he commanded, began by degrees to be shaken; and, as they could not be speedily supported, by reason of the disorder caused by themselves among the Genoese troops, were at length put to flight.

The body  
commanded  
by Alençon  
defeated,

The prince of Wales having so great an advantage in the first onset, Philip ordered a numerous body of horse to advance, to repair the disorder caused by the defeat of the first. Thus the French had always the superiority of number, though the English still kept their ground. In all appearance the young prince, who fought with an heroic courage, determined to conquer or die, would have been overpowered by numbers, if the earls of Northampton and Arundel had not come to his relief. Their approach drew thither more French troops, the small extent of the field not permitting the two armies to engage all at once; so the fight was very obstinate. The valour of the prince of Wales, which filled the English generals with admiration, made them at the same time extremely uneasy with regard to his person, because of the superior number of the enemies. Apprehensive that some

The prince  
of Wales  
performs  
wonders.  
Froissart.

\* It is said, there were no less than fifteen thousand Genoese. Ibid. cap. 132.

† In this manner the French historians speak of the beginning of the engagement. It must be that the strings

of the Genoese cross-bows were of a different nature from those of the English, since the rain had no effect on these. Rapin. It seems the English bows were kept covered in their cases.

l. 1. c. 152.

# THE HISTORY

The king leaves the honour of the day to his son. 1b.

misfortune might happen to him in the end, they speedily sent the king word, that it was time to come to the prince's relief, who was like to be oppressed by numbers. Far from being moved at the message, Edward asked, whether his son was still alive? and being told he was not only alive, but fighting with an astonishing valour, replied to the messenger, "Tell my generals, that as long as my son is alive, let them send no more to me, for the honour of the day shall be his, and he must now merit his spurs." This answer inspiring the prince with fresh courage, he broke through his enemies who were ready to surround him. His troops imitating his heroic bravery, seconded him so well, that the French began to give ground, and at length to disperse in confusion.

The king of Bohemia slain, and his banner taken. Froiss. l. i. p. 132. Villani. Walring.

Philip signalizes himself. Knighton. Walring.

The English gain a complete victory.

Philip had one body left, which had not yet engaged, at the head whereof he was himself. Towards that body the prince of Wales directed his steps, after routing the other two; and in this last action it was that he acquired the greatest honour. Philip, enraged to see his two bodies routed and dispersed, performed wonders, to snatch the victory from the young hero before it was complete. The king of Bohemia, who, though blind, would be in the battle, causing his horse's bridle to be tied to those of two brave knights, was slain, according to his wish, in fighting for France; his standard, on which were embroidered in gold, three ostrich-feathers, with these words, ICH DIEN, that is, I SERVE, was taken and brought to the prince of Wales, who, in memory of that day, bore three ostrich-feathers for his crest<sup>2</sup>, with the same motto. Mean time Edward, who stood with his troops on a rising ground, watched the proper time to charge, being unwilling however to make too much haste, for fear of robbing his son of part of his glory; but, in this state of inaction, he failed not to strike terror into the French, who saw him ready to fall upon them with advantage. Philip, after many fruitless attempts to repulse the English, rallied some of his nobles and men at arms, and threw himself into the midst of the battle, in order to animate his troops by his example. It must be confessed, that he gave signal proofs of an undaunted valour. It was not till after being twice dismounted, and wounded in his neck and thigh, that he suffered himself to be led, though with extreme pain, out of the field. His retreat discouraging those that still maintained the fight, they were entirely routed with the rest of the army. Then it was that a dreadful slaughter ensued of the flying troops,

<sup>2</sup> Or rather in his coronet.

who were pursued till the night was far advanced. It is affirmed, that in this memorable battle, the English began, for the first time, to use cannon, a thing yet unheard of in France. Four pieces, planted on a little hill, did great execution among the French, and struck them with such terror, that the success of the day is partly ascribed to their surprise at this novelty. France lost in the battle the king of Bohemia, the earl of Arundel, brother of the king, the duke of Lorraine, the earl of Flanders, the earl of Blois, fifteen other great lords of the kingdom, twelve hundred knights, and above fourscore standards.

When Edward found, by the hasty flight of the enemies, that his victory was certain, he advanced to show his marks of his extreme satisfaction. "Dear son, (said he, embracing him in his arms) you have acquitted yourself nobly this day, and truly deserve the crown for which you have fought". The young prince, out of countenance at the king's commendations, with a modest silence, fell on his knees, and asked his father's blessing, according to the custom practised in England. The night of this glorious day was spent by the English in rejoicings; but the king published in the camp, express orders, not to insult over the misfortunes of the vanquished, exhorting his army to return God thanks for the victory. On the morrow, some troops, sent to pursue the flying enemy, meeting a body of militia (who, without knowing what had happened, were marching to Philip's camp) slew seven thousand. It is said, the loss France sustained on the second day, was greater than that of the battle, as well by the defeat of the militia, as by the slaughter, or taking of the soldiers, who in flying were dispersed in the country.

Edward continued some days near the field of battle, to bury the dead, and take care of the wounded, as well those of the enemy as his own. Then marching through le Boulonnais, he approached Calais, in order to besiege it. This place, which was very strong, was no less incommensurable to the English, than Dunkirk has been in our days. In becoming master of it, he not only freed himself from a very troublesome neighbourhood, but also opened a way into France.

\* This memorable battle was fought on Saturday, August 24; (but according to Walsing, and Fa. Daniel, on the 26th,) in the fields between Abbeville and Crécy in Picardy. There were slain on the French side, eleven princes, four-

score bannerets, twelve hundred knights, and about thirty thousand common soldiers. Froissart. Knighton. How many of the English were slain, is not mentioned in history.

He invested it on the 8th of September, and summoned the governor to surrender, threatening, in case of refusal, to put the garrison and inhabitants all to the sword. John de Vienne, the governor, answered, he owned no other king of France but the person who gave him the custody of the town, in whose service he was resolved to live and die.

The king having taken a view of the fortifications of Calais, found it would be very difficult to accomplish the siege by force, so resolved to reduce the place by famine. For that purpose he drew round the town four lines of circumvallation, with regular fortifications, with a resolution not to relinquish his enterprize till accomplished. The governor foreseeing the length of the siege, took care to send away all useless mouths, that he might not be exposed to the danger of wanting provisions. Though, according to the maxims of war, Edward was not obliged to pity these wretches who were to the number of seventeen hundred, he received them however into the camp; and gave them leave to go where they pleased <sup>b</sup>.

Froissart.  
Ibid.

The king of  
Scotland  
enters Eng-  
land. Bu-  
chanan.  
Knighton.  
Froissart.  
l. i. c. 139,  
140.  
Walsing.  
Aet Pub.  
v. p. 524,  
536.

Mean time Philip, who was very uneasy about the siege, sought all possible means to raise it. He saw but two ways for that purpose: the first which was to attack the lines of the besiegers, could not be soon enough practised, to hope the town would hold out till he was able to relieve it: the second was, to make a diversion in England by the arms of the Scots. This being deemed the speediest, he engaged the king of Scotland to make an inroad into England. He did not question its success, because all the English forces were employed in France. It was to be presumed, the alarm caused by this invasion would produce such commotions in England, that Edward would be forced to raise the siege. David, looking upon the interest of France as his own, and readily following the suggestions of Philip, put himself at the head of thirty thousand men <sup>c</sup>, and advanced as far as Durham. This unexpected invasion, at such a juncture, alarmed the English, but however was not capable of quelling their courage. Young Lionel, left by the king his father guardian of the realm, not being yet of age to command an army, queen Philippa took upon her to repulse the enemy. To that end, heading the troops, drawn together from all parts with wonderful expedition, she marched directly

<sup>b</sup> Froissart says, he gave them a good dinner, and two sterlings a-piece, and then let them go where they would, cap. 135.

<sup>c</sup> About fifty thousand, Froissart. lib. i. cap. 139; but Speed says, sixty-two thousand men, and Knights thirty-six thousand.



to the Scots, and offered them battle. David was no less impatient to engage: he imagined nothing more easy than to put to flight undisciplined troops, commanded by a woman; but the success did not answer his expectations: he not only had the mortification to lose the day, but also to see himself a prisoner in the hands of the English<sup>d</sup>.

Fortune was never weary of favouring Edward: as his arms were victorious in England and France, so were they likewise in Bretagne. Sir Thomas Dagworth, who commanded the English troops in that country, twice defeated Charles de Blois, and took him prisoner in the last battle, fought near la Roch de Rien.

Mean time the siege, or rather blockade of Calais, was still continued both by sea and land. Edward had sent for seven hundred ships to guard the sea: as therefore nothing could be brought into the town, it was at last reduced to extremity. The sad condition of the besieged being discovered to the king by an intercepted letter, he sent it immediately to Philip, and withal bid the messenger tell him, he had no time to lose if he intended to relieve the place. Philip, upon this intelligence, speedily took the field, and approached the English camp with an army of one hundred and fifty thousand men. He hoped to draw the enemy out of his entrenchments, by offering him battle several times; but Edward was too wise to run any hazard, well knowing the impossibility of forcing his lines. Besides, he had good reason to expect, the town would quickly be at his mercy; so, without being moved with all these defiance, he constantly answered his business there was to take Calais, and, if Philip thought fit to prevent him, he had only to take the most proper measures. Philip seeing he could not without manifest

He is defeated and made prisoner by the queen. A. D. Pub. v. p. 551. Charles de Blois defeated and taken. Argentré, Mezerai, Froissart, Walsing.

I 347. Philip tries in vain to relieve Calais. A. D. Pub. v. p. 562. 563. Froissart, Mezerai, Knighton, Walsing.

He offers battle, but Edward refuses.

<sup>d</sup> This battle was fought not far from Nevil's Cross, near Durham, on October 17. There were no less than fifteen, or, according to others, twenty thousand Scots slain. The chief persons of the English, who signalized themselves in this expedition, were, William la Zouche archbishop of York, Gilbert de Umfreville, earl of Angus, Henry Percy, Ralph Neville, William Dayncourt, and Henry Scroop. The Scotch king, though he had two spears hanging in his body, his legs almost incurably wounded, and his sword beat out of his hand, disdaining captivity, provoked the English by opprobrious language to kill him; and when John

Copland governor of Roxborough castle advised him to yield, he struck him on the face with his gantlet so fiercely, that he knocked out two of his teeth; but however Copland conveyed him away out of the field a prisoner. Upon his refusing to deliver him up to the queen (who staid at Newcastle during the battle) the king sent for him to Calais, where he excused himself so handsomely, that the king sent him back with the reward of five hundred pounds a year in land, where he himself should chuse it, near his own dwelling, and made him a knight banneret. Rymer's Fed. tom. v. p. 542. Froissart, Buchan.

He makes  
him propose  
talk of peace,  
which are  
rejected.

He sends  
him a chal-  
lenge,  
which is not  
accepted.

Edward re-  
ceives a re-  
inforcement  
A.C. Pub.  
v. p. 562,  
564, 572.

Philip re-  
sires.  
Calais sur-  
renders.  
Froissart.  
l. i

Edward re-  
solves to  
sacrifice six  
of the chief  
burghers, ib.

A generous  
act of a  
burgher.

Froissart.  
l. i. c. 148.

danger force his lines, nor draw him into the open field, sent two cardinals with proposals of peace. He offered him Guienne, the earldom of Ponthieu, and a marriage between their children. Edward made a jest of these offers; he replied Guienne and Ponthieu belonged to him, that he should quickly be master of Calais, and so had no need of his bounties. This project not succeeding, Philip proposed to him by a herald, to decide their quarrel by a combat of six on each side. The herald adding, the king of France would appoint the time and place, the earl of Derby made answer, "That must be Edward then, since he is the true king of France." This pretension alone was sufficient to destroy the proposal, to which it is certain Edward, in his present circumstances, had no inclination. His sole aim was to take Calais, without hazarding that event. A few days after, he received a recruit of seventeen thousand men, brought by his queen from England. If we may believe some English historians, this supply came very seasonably, to enable him to have his revenge of Philip. It is affirmed, he offered to fight him in open field, to fill up his trenches himself, and demolish his works, provided he might have sufficient security that nothing should be conveyed into Calais till after the battle. It is added, that Philip refusing the offer, chose to retire. Thus much is certain, he did not think proper to attack Edward in his lines. So, the besieged despairing of relief, desired at length to capitulate. A capitulation, deferred till the last extremity, could not be of any great advantage. Accordingly, Edward refused the besieged all manner of terms but that of life, which he was willing to grant both to the soldiers and the inhabitants. However, he excepted six of the principal burghers for a sacrifice to his vengeance, leaving the inhabitants to chuse the victims themselves. This severity caused a great consternation in the town. It was very difficult to chuse the six persons, and yet there was no time to lose. History ought not to pass over in silence the generous action of Eustace de St. Pierre, one of the chief inhabitants. This brave burgher seeing fear and despair painted on the faces of his countrymen, voluntarily offered himself to be one of the six. So uncommon a magnanimity affected the rest to such a degree, that five more were quickly found, who, after his example, devoted themselves for the preservation of their townsmen. The six illustrious burghers, bent to appease the conqueror's rage, by the sacrifice of their lives, went out bare-footed, in their shirts, with hallocks about their necks, and presented to him the keys of the town. They found him so highly incensed, that notwithstanding the inter-  
cession

cession of the prince of Wales, and of the great men about him, he commanded them to be led to execution. But, if he had resolution enough to refuse that favour to the pressing instances of his son, he could not find in his heart the same insensibility for the queen. This good princess, moved with the misfortune of these miserable men, casting herself at his feet, intreated him, with tears in her eyes, to pardon them for Christ's sake. How resolved soever he might be, he could not behold, at his feet, a queen whom he so tenderly loved, without feeling his heart relent, and, in spite of the resolution he had armed himself with, was overcome by her intreaties. The queen, not content with saving the lives of these unfortunate men, ordered cloaths to be brought them; and, after giving them an entertainment in her own tent, dismissed them with a present to each, of six pieces of gold: an action which did then, and ever will, redound to the honour of that generous princess.

The queen obtains the pardon of the six burghers.

Thus the important town of Calais, after a year's siege, became subject to the dominion of the English.

A few days after Edward had made his entry into Calais, he turned out all the inhabitants, in order to people it with English. Probably, this precaution was the means of England's keeping that place two hundred years. The siege had been so long and fatiguing, that Edward thought himself obliged to give his troops some repose, by consenting to a truce proposed to him for one year; which done, he left a strong garrison in Calais\*, and returned in triumph to England.

Edward turns the French out of Calais, and puts in an English colony. A.G. Pub. v. p. 575, 588, &c. 623, 629, &c.

Never had the English name been more glorious than it was, at that time, and never had England enjoyed a more compleat happiness. If the valour, wisdom, and good fortune of the king gave an extraordinary lustre to the realm, the rare qualities of the brave prince of Wales, heir-apparent to the crown, afforded no less hopes for the future. The great plenty which immediately followed Edward's victories, seemed also to demonstrate that heaven took a peculiar care of the English†.

Knighton. Walsing. Froissart. l. i. c. 149. Flourishing condition of England. Walsing.

To add still a fresh lustre to Edward's glory, ambassadors from Germany arrived the next year, with offers of the imperial dignity. The election of Charles IV. who was now crowned at Bonn, not being agreeable to all the electoral prin-

1348. Edward refuses the imperial dignity. A.G. Pub. v. p. 622. Knighton.

\* And built a castle at Risbank to secure Calais. Stow's Ann.

† This year was finished St. Stephen's chapel at Westminster, formerly be-

longing to the king's palace, but now the place where the house of commons meet. Rymer's Fœd. tom. v. p. 631.

ces, some<sup>r</sup> were resolved to make a new choice. To that end, they cast their eyes on the king of England, whom the battle of Cressy, and taking of Calais, had rendered very famous. But Edward, who was not ignorant how much the acceptance of this dignity, at a like juncture, had cost Richard, brother of Henry III. was too wise to throw himself into the same difficulties. Besides, he had need of all his forces and application to acquire the crown of France, which to him seemed a more substantial good. On these accounts he refused the honour intended him by the German princes, and declined taking so great a burden upon him<sup>b</sup>.

Corruption  
of manners  
in England.  
Knighton.  
Walsing.

During the prosperity enjoyed by the English, it is no wonder that ease and plenty threw them into the excesses that are the usual attendants thereof. All the historians unanimously affirm, an unbridled debauchery at that time prevailed throughout the kingdom; and the women, laying aside their modesty, the great ornament of their sex, seemed to glory in the loss of their virtue. Nothing was more common than to see them running in troops and tilts, dressed like cavaliers, with swords by their sides, and mounting their steeds adorned with rich trappings, without any regard to their honour or reputation. The men's excesses were no less scandalous. God permitted not these disorders to go long unpunished: a terrible plague, after raging in Asia and part of Europe, spread itself into France, and from thence into England, where it made such desolation, that one half of the nation was swept away<sup>1</sup>. London especially felt the effects of its fury, where, it is observed, in one year, above fifty thousand were buried in a church-yard belonging to the Cistercians<sup>2</sup>.

A terrible  
plague in  
England.  
Walsing.  
Stow's Ann.  
Knighton.

Though

<sup>8</sup> Namely, Henry archbishop of Mentz, Rodolph and Rupert, counts palatine of the Rhine, and dukes of Bavaria, Lewis Marquis of Brandenburg and Lusatia, and the duke of Saxony. Ibid. p. 622.

<sup>a</sup> This year a parliament met at London, Jan. 15. Rot. Clauf. 22. Ed. III. pt. ii. m. 9. Dorf. As did another on the 17th of March, which granted the king three fifteenths, to be levied in three years. Ibid. pt. i. m. 32. Dorf. Rymer's Fœd. tom. v. p. 611. Knighton says, he had had before twenty thousand sacks of wool, and also a tenth from the clergy for two years. Knighton, col. 2595.

<sup>1</sup> This plague first began in the kingdom of Cathay in Asia, in 1346, from whence it spread into other parts of Asia,

and passed into Greece, Africa, and afterwards into Europe, and so into France and England; in which last it broke out first in Dorsetshire, about the beginning of August, and spread itself all over the nation, continuing till Michaelmas twelve-month after: it was so great in both years, that there hardly remained the tenth part of people alive in most places. Walsing. And a parliament being summoned to meet on the Monday after January 14, 1349, it was prorogued till a fortnight after Easter, and afterwards respited till a new summons. Stow's Ann. Dr. Brady. Rym. Fœd. tom. v. p. 655, 658.

<sup>k</sup> The Charter-house. The lord Walter Manny, considering the great danger of burying in the church-yards, during this great plague, purchased a piece

Though this terrible scourge was no less grievous to France, Philip was making great preparations to recover the war, with a resolution to use all possible efforts to renew Calais. The loss of that place lay heavy upon his mind, because of the consequences which he plainly foresaw. However as he rightly judged it would be very difficult to retake the town by force, he resolved to use a suter way, by bribing the governor. The lords of Montmorency and Charny, to please their master, very readily took upon them the execution of the project, and the ignominy of the action. But what Mezerau says is not very likely that they thought it no fault to surprise the town during the truce. In all appearance, their ignorance was not so great: however that be, they held private intelligence with Aymeri de Pavia the governor, who promised to deliver up the place for twenty thousand crowns. This sum being sent him, he found means to introduce, by degrees, into the town a hundred men at arms, and twelve French knights, whom he concealed in the castle. On the day appointed for the performance of his promise, the lords of Charny and Ribault lay in ambush near the two gates of the town, in order to rush in as soon as they were opened. So just were their measures, that they thought themselves sure of success; but they did not know all that had passed. A little before, Edward receiving some intelligence of the plot, sent for the governor to London, and promised him a pardon, on condition he would betray the French. The villain, perceiving himself inevitably ruined, if he refused to comply with the king, fully informed him of all the circumstances of the plot, and the day appointed to let the enemies into the town. By this means Edward ordered it so, that he came the evening before to Calais, attended by the prince of Wales and eight hundred men at arms<sup>m</sup>. On the morrow, by break of day, he sallied out at one gate and the prince of Wales at the other, to attack the French, who little expected any such thing: The

Philip corrupts the governor of Calais. Froissart. Mezerau. Walsingham.

Edward has notice of it. He comes to Calais, Walsingham.

and attacks the French, Froissart. l. i. c. 153.

piece of ground called Spital-Croft, then belonging to the master and brethren of St. Bartholomew-Spittle, containing thirteen acres and a rood, without the bars of Smithfield, and caused it to be inclosed and consecrated: In this place was buried above fifty thousand persons that died of the plague. In memory whereof, the said lord, in 1371, built a chapel on the same ground, and founded a house for Charter-house, or Carthusian monks. Stow's Ann. p. 246.

<sup>l</sup> Froissart says, that the governor let them in at a postern the very night king Edward came to Calais; and having received the twenty thousand crowns from them, carried them into the great tower of the castle to take possession of it; but king Edward, who was in the same tower, rushed upon them, and took them prisoners.

<sup>m</sup> Three hundred men at arms, and six hundred archers. Froiss. lib. i. cap. 153.

king, who was pleased to fight on foot, under the banner of the lord Walter de Manny, engaged in single combat with Eustace de Ribaultmont, a knight of Picardy, by whose fierce blows he was twice struck down on his knees. The speedy relief he received from his own men freed him from the danger, and even enabled him to defeat Ribaultmont's troops, and take him prisoner.

Whilst the king was thus employed, the prince of Wales vigorously charged the lord Charny, who, after a long resistance, was at length defeated, and taken prisoner by the prince. The French lost in the action six hundred men, besides a good number of prisoners, who, with their two leaders, were brought into the town, of which a few hours before they hoped to be masters. Though the way they had used was far from being honourable, Edward, considering it was in obedience to their sovereign, treated them very civilly. That very evening he entertained the principal prisoners with a splendid supper, and was even pleased to come and see them whilst at table. He could not forbear reproaching Charny with the infamous means he had used, to take from him by treachery, and during the truce, a place that cost him so dear, and was fairly won. Then addressing himself to Ribaultmont, he greatly commended his valour, and made him a present of a string of pearls of great value (which he wore in his cap) as a testimony of his esteem. He added, that hearing he was a great admirer of the ladies, he desired him to wear it in their company, telling him, they would not look upon him with less favourable eyes. After several other obliging expressions, he gave him his liberty without any ransom. Before he left Calais, he made John de Beauchamp<sup>a</sup> governor, not thinking it prudent to trust any longer the custody of that important place in the hands of a Lombard, who had suffered himself to be bribed. But this was not all the punishment the traitor received for his double treachery: the next year he had the misfortune to fall into the hands of the French, who caused him to be torn in pieces with four horses.

The attempt upon Calais failing, contrary to the expectation of the French, Philip disowned the authors. As Edward was not ready to renew the war, he was contented with that slight satisfaction; so the truce still subsisted, notwithstanding the just cause given by Philip to break it.

Edward's  
generosity  
to Ribau-  
mont.  
Froissart.  
l. i. c. 154.

<sup>a</sup> Rapin, by mistake, calls him Henry. He was younger son of Guy de Beauchamp earl of Warwick, Dugdale, vol. i. p. 231. His commission bears date at Westminster. Jan. 1. Rymer's Fed. tom. v. p. 655.

Edward having nothing more to do at Calais, returned to England, where soon after he instituted the famous order of the Garter<sup>o</sup>. According to the common opinion, this order owes its origin to an accident, in itself of little importance, but, in regard to its consequences, very remarkable, if it be true, that it gave birth to the institution of this order of knighthood. It is said, Edward being at a ball, where the countess of Salisbury in dancing dropped her garter, stooped to take it up; that the lady imagining he had some other design, and showing her surprize, he said to her, to justify himself, “*Honi soit qui mal y pense*: Evil to him that evil thinks.” It is added, that in memory of this accident he instituted the order of the Garter, to which he gave for motto the words spoken to the countess; an origin, so little worthy of the splendor wherewith this order has all along shone since it’s institution, appears at first so very offensive, that several ingenious wits have endeavoured to find out a more honourable. Some affirm, the reason of Edward’s instituting the order was, because on the day of the battle of Cressy, he had given Garter for the word. Others say, it was, because on that day he ordered his garter to be fixed at the end of a lance for a signal of battle. Lastly, there are who advance, that Edward only revived and regulated an order of knighthood, begun by king Richard I. at the siege of Acres in Palestine. They say, king Richard resolving to storm the town, distributed to some of his principal officers certain leather strings, to be tied round the leg, to distinguish them during the assault; and, in memory of that event, Edward instituted the order of the Garter. But all this is said without sufficient proof: besides, whatever endeavours have been used to give the order a different origin from the first above-mentioned, nothing has hitherto been found satisfactory concerning the reason of the motto, *HONI SOIT QUI MAL Y PENSE*. The motto agrees very well with the first circumstance, but has no connexion with the others. It is no less uncertain why the knights wear the garter on their left, rather than on the right leg, or why the founder chose to put the order under the protection of St. George: but this is certain, that great prince’s design was to engage the present and future knights to distinguish themselves by their courage and virtue. This, of all the like orders, has best adhered to the rules of its institution.

<sup>o</sup> Mr. Ashmole fixes the institution of this order on the 23d of April, 1349, p. 185. But Dr. Brady justly doubts, whether it was instituted this year, because the plague, at that time, raged terribly at London, and other parts adjacent. See hist. p. 247, and Stow’s Ann. p. 245, 246.

## THE HISTORY

More ancient than those of the Golden Fleece<sup>p</sup>, and Holy Ghost<sup>q</sup>, it has never degenerated as to the number, which has always been twenty-six, including the sovereign, who is constantly the person that wears the crown of England. The kings and other sovereign princes, who have been, and still are desirous of being admitted into this most noble order, are a clear evidence of its great repute throughout all Europe<sup>r</sup>.

Edward  
fights the  
Spanish Cor-  
sairs.  
Act. Pgb.  
v. p. 679.  
688, 691.  
Walsing.  
Knighton,

However glorious Edward had hitherto been, he disdained not to hazard his reputation in an affair which seemed below his notice; but the greatness of his courage would not suffer him to weigh too nicely such sort of considerations. The merchants complaining of certain Spanish ships infesting the coasts of England, and doing them much damage, he promised to clear the seas of them. To that end, assembling such of his ships as were soonest ready, he went himself and gave chase to the Corsairs: he fought and defeated them<sup>s</sup>, took twenty of their ships, sunk many more, and dispersed the rest. This action, though in itself of little importance, seemed to him so glorious, that he caused a gold coin to be struck, whereon he was represented in a ship, with his cutlass in his hand, in order to perpetuate the memory thereof<sup>t</sup>.

<sup>p</sup> An order of knighthood, instituted by Philip the Good, duke of Burgundy, at his marriage with Isabella of Portugal in 1430. The order was at first composed of four and twenty knights, who were gentlemen of birth, and unblemished reputation. This order is now common to all the princes of the house of Austria, as being descended from Mary of Burgundy, daughter of Charles the Hardy, last duke of Burgundy. Chiffet, Favin. Monstrelet, vol. ii. fol. 54.

<sup>q</sup> This is an order of knighthood in France, instituted by King Henry III. who celebrated its first festival on the 31st of December, 1578. The number of knights was limited to a hundred, without including those of the clergy, viz. four cardinals and four bishops; together with the great almoner, and the officers of the order, viz. a chancellor, treasurer, register, and king at arms, and ordered the knights to wear a cross of Malta, having a dove in the center of it; to which king Henry IV. in 1598, added a collar made of trophies, from whence proceed flames, intermixed with crowned heads.

<sup>r</sup> Camden reckons, in his time twenty-two kings, besides the kings of England, and as many foreign dukes and princes. He has likewise given us a list of the first six and twenty knights, who are called the founders of the order; namely, Edward III. king of England, Edward his son prince of Wales, Henry duke of Lancaster, Thomas earl of Warwick, Ralph earl of Stafford, William Montacute earl of Salisbury, Roger Mortimer earl of March, Capdall de Buche, John l'Isle, Bartholomew Borghewash, John Beauchamp, John de Mohun, Hugh Courtney, Thomas Holland, John Grey, Richard Fitz-Simon, Miles Stapleton, Thomas Wale, Hugh Wrothesley, Niel Loring, John Chandos, James de Audley, Otho Holland, Henry Eme, Zanchet Dabridgecourt, William Paynel. The countess of Salisbury, who, it seems, gave occasion for the founding this order, was the wonder of her time for shape and beauty.

<sup>s</sup> This engagement happened August 29, near Winchelsea. Twenty-six of the Spanish ships were taken. Walsing.

<sup>t</sup> See the coins at the end of this reign.

Philip



Philip de Valois lived not to see the end of the truce made with Edward. He died the 22d of August, 1350, leaving for successor his son John, who renewed the truce till Whitsuntide, 1354; but it was ill observed on both sides. In Bretagne, Gasconne, Picardy, frequent hostilities were committed which occasioned mutual complaints, and even reprisals, each party throwing the blame on his enemy. The earl of Derby, honoured with the title of duke of Lancaster, was sent to Calais with an army, as if it had been open war. He made inroads into the French territories, and ravaged the country from Calais to Terouenne. The greatest advantage Edward reaped by the non-observance of the truce, was the acquisition of the town of Guisnes, sold him by the governor. When king John complained of it, Edward replied, "That his father Philip, by attempting to purchase Calais, had taught the English commanders, that buying and selling was no breach of a truce."

1350.  
Death of  
Philip de  
Valois.

John suc-  
ceeds.  
Mezerai.  
Walsing.  
A&C. Pub.  
iv. p. 690,

1351.  
The duke of  
Lancaster  
makes in-  
roads into  
France.  
Froissart.  
Mezerai.  
A&C. Pub.  
v. p. 710.  
Knighton.

This advantage however did not balance the loss sustained by Edward in Flanders, by the entire defection of the Flemings. Hitherto they had been his friends, but for some time past the face of affairs was entirely changed in that country. After the death of the earl of Flanders, slain at the battle of Cressy, the Flemings sent deputies to Philip de Valois, to demand the son of their deceased sovereign, under colour of putting him in possession of his father's inheritance. Philip consenting to their request, when they had the young prince in their power, they contracted him to one of Edward's daughters. This accident would doubtless have been very prejudicial to Philip, if the earl himself had not prevented it. The young prince, who by education was wholly attached to the interests of France, not bearing the thoughts of marrying into the family of his sovereign's enemy, privately withdrew from his subjects, and cast himself again into his arms. From thenceforward the Flemings began by

The Flem-  
ings fall  
off from Ed-  
ward.

1352.

\* Son of Henry, brother of Thomas earl of Lancaster, beheaded in the reign of Edward III. who was son of Edmund, younger son of Henry III. This Henry, for his merit, was advanced by the general consent of the parliament, and the king's special charter, dated the 6th of March, 25 of Edward, to the title of duke of Lancaster, being the second that bore that title in England. At the same time also, the lord Ralph Stafford was created earl of Stafford, with a pension of one thousand marks,

till the king could provide lands of that value to settle on him. Walsing. p. 37.

\* This year a parliament met at Westminster, Feb. 10, wherein were enacted the statute of labourers and provisors. Rot. parl. 25 Edw. III. Cotton's Abridg. p. 73 Knighton relates that the king took twenty shillings from every carrucate, and a fifteenth. And also that there was granted him a sixteenth, and a tenth for three years, Walsing. p. 170.

Walsing.  
A. 1353.

degrees to be disengaged from the interests of England. They even approved of the marriage concluded by Philip, between their earl and the duke of Brabant's daughter, who had entirely forsaken Edward<sup>2</sup>. Their levity was the cause that the staple<sup>3</sup> of the English Wool, set up in their country, was removed into England, to their great damage, but to the benefit of the English<sup>2</sup>.

1354.  
Project of  
peace be-  
tween the  
two crowns.  
A. 1354.  
v. p. 772,

The new king of France seemed to be extremely desirous that the truce should be changed into a lasting peace, to which Edward was not averse. In the negotiations John offered to resign to the king of England, Guienne, with the earldoms of Artois and Guisnes, to hold them in full sovereignty, without homage to the crown of France<sup>4</sup>. But presently after, to his own, as well as to his kingdom's misfortune, he abruptly broke off the negotiation, which ended only in prolonging the truce till April the next year.

Ibid. 828.

It was not difficult to perceive that the king of France sought only to gain time, to enable himself the better to maintain the war. Edward was very sensible of it, but had himself need of some respite, in order to settle some domestic affairs of importance. The obstinacy of the Scots, in support of their king, though a prisoner, fully convinced him, it would not be easy to reduce Scotland as long as he was at war with France. This consideration inclined him to patch up a peace with the Scots, in expectation of a more favourable opportunity to renew the war. But the peace could not be made without their king's release, so firmly did they insist upon that article. To settle the affair, Edward ap-

<sup>2</sup> A parliament met this year on Jan. 13, at Westminster, which granted the king three tenths, and three fifteenths, to be paid, as the last were, within three years. Rot. parl. 25 Edward III. pt. ii. n. 7, 9, 10. In this parliament the lord John Maltravers, who was thought to have a hand in the murder of Edward II. having some years since come in and submitted to the king's mercy, and lately received his pardon, petitioned the parliament to have it then confirmed; which in consideration of his late faithful service to the king in Flanders, was accordingly granted. Ibid. n. 55. See Tyrrel, p. 571. There was this year, besides this parliament, a council at Westminster.

<sup>3</sup> Staple signifies this or that town, whither the merchants of England were by act of parliament, to carry their wool,

cloth, lead, and tin, for the selling them by the great. What were the staple commodities of this realm may be seen in the statute of 11 Richard II. cap. i. as wool, leather, wool-fells, lead, tin, &c. The staple of wool was removed to Westminster, Canterbury, Chichester, Bristol, Lincoln, Hull, and Calais. See Rymer's Fœd. tom. v. p. 618. Walf. p. 170.

<sup>4</sup> This was done by the authority of the parliament, which met this year on Sept. 23, and continued for some time longer, the subsidy of wool, leather, and wool-fells, granted to the king in some of the late parliaments. Rot. parl. 27 Edw. III. n. 1—6.

<sup>5</sup> Provided he would quit his claim to the crown of France. Walsing. p. 170.

pointed commissioners<sup>b</sup> to treat with the Scots, concerning king David's liberty. The negotiation, which was prolonged for some time, ended at length in a treaty, concluded at Newcastle July the 13th, 1354, whereby Edward promised to free David for a ransom of ninety thousand marks of silver. The treaty was ratified a little after by the prince of Wales his son, but was not executed for reasons mentioned hereafter. So David continued a prisoner till 1357.<sup>c</sup>

When this treaty was concluded, Edward considering the affairs of Scotland as of little moment, applied himself chiefly to those of France. The truce being about to expire, he invested the prince of Wales with the duchy of Guienne, and sending him thither, commanded him to renew the hostilities<sup>d</sup>. Some affirm, king John had now invested the Dauphin Charles his son with that duchy, and thereby occasioned a rupture; but there is no mention of this circumstance either in the French histories, or in the collection of the Public Acts. Besides, it is certain the war was not renewed till after the expiration of the truce. Whilst the prince of Wales was preparing to renew the war in Guienne, the king his father landing at Calais<sup>e</sup>, ravaged Boulonnois and Artois without opposition. Upon this news the king of France speedily assembled his forces: at the same time he sent Edward a defiance, offering to fight him alone, or at the head of their armies. At least, this is what the French historians affirm; adding, that Edward declined it, and knowing John was approaching to give him battle, retired into England. The English, on the contrary, maintain the defiance was sent by Edward, and refused by John. The wonder is, that the Collection of the Public Acts makes no mention of this expedition of Edward, though whenever the kings of England went beyond sea, a memorandum of the day, both of their departure and return, is hardly ever omitted. But since the historians of both nations speak of Edward's go-

Treaty about the king of Scotland's liberty. Act. Pub. v. p. 733.

Edward gives Guienne to the prince of Wales. Walsing. Act. Pub. v. p. 830.

He goes into France and commits some ravages. Walsing. Knights. Avebury. Froissart. l. c. 159.

<sup>b</sup> Thomas Hatfield, bishop of Durham, and the lords Henry Piercy and Ralph de Nevil. Rym. Fed. tom. v. p. 733. King David himself went, with king Edward's permission, in 1351, into his kingdom, and afterwards, in 1353, as far as Newcastle, to treat with some of his nobility, about his ransom, but could bring nothing to a conclusion. Rym. Fed. tom. v. p. 722, 727, 737, 756.

<sup>c</sup> April 28, a parliament was held, in which the lords Roger Mortimer

and Richard Fitz-Alan were restored in blood. Rot. parl. 28 Ed. III. n. 1, &c. 13.

<sup>d</sup> He sailed from Plymouth, Sept. 8, attended by the earls of Warwick, Suffolk, Salisbury, and Oxford; with one thousand men at arms, and the like number of archers. Walsing. p. 171.

<sup>e</sup> Nov. 2, attended by his sons Lionel and John, Henry duke of Lancaster; the earls of Northampton, March, and Stafford, &c. and about two thousand men at arms. Wals. p. 171.

The Scots  
surprise Ber-  
wick.  
Buchanan.  
Walsing.

ing to Calais, a bare negative proof is not sufficient to invalidate their testimony: however, if Edward returned so hastily, it is certain, that very important reasons called him home. The Scots having taken Berwick by surprize, it was very dangerous to leave in their hands a place of that importance, which gave them at all times an inlet into England. To retake this town was the occasion of Edward's hastening his return.

Avebury.

Walsing.

Immediately after his arrival he called a parliament<sup>f</sup>, complaining of the treachery of the Scots, who, after a treaty concluded and ratified, abused his good faith, by the seducement of the king of France. The parliament knowing the necessity of recovering Berwick, and the king's want of money to continue the war with France, granted him fifty shillings upon every sack of wool<sup>g</sup> sold in the kingdom. It is said, this supply amounted to more than three hundred and fifty thousand marks a year, so considerable was the woollen trade in those days. With this aid the king quickly raised an army, at the head of which he advanced to the borders of Scotland. Upon his approach the Scots quitted Berwick, after demolishing the fortifications, which he revenged by ravaging their country<sup>h</sup>. This unexpected rupture of the Scots surpris'd him the more, as he had just made a treaty with them for releasing their king, and only stay'd for the payment of the ransom agreed upon. This proceeding, quite altered the king's mind as to peace, and caused him to make a new resolution, with respect to the affairs of Scotland.

Condition of  
Baliol.

After Baliol's expulsion, he still kept the title of king, but without any real power, and in so servile a dependance on the king of England, that he was looked upon only as a subject. It is true, Edward left him the command of his troops, but they were so very few that he was never able to make any progress: so he spent his days in a melancholy manner, with a pension of five marks a day, allowed him by Edward, and some presents for his extraordinary expences. There are manifest proofs of his great dependance in the Collection of the Public Acts, particularly in the frequent pardons for hunting in Edward's forests. He was therefore but the shadow of a king, made use of hitherto by Edward to compass his ends. It was needless for the king to wear

Act. Pub.  
v. p. 632,  
870, &c.

<sup>f</sup> It had been called before his going over, and met on November the 12th, but was put off till the 25th, Rot. parl. 29 Edward III. Cotton's Abridg. p. 90.

<sup>g</sup> For six years. Walsing. p. 171.

<sup>h</sup> And utterly ruining Edinburgh, Haddington, &c. Hect. Boet. lib. 15.

the mask any longer, all his proceedings plainly shewing he had been labouring more for himself than for Baliol. Laying aside therefore the scruples by which he had till then been restrained, or rather throwing off the cloak under which he had concealed his intentions he caused that prince to resign all his right to Scotland<sup>1</sup>, for the yearly pension of two thousand pounds sterling; a poor recompence for a crown, had it not been an imaginary one, which Baliol was very willing to part with. The resignation proved fatal to king David; he had thereby the mortification to see himself more closely confined, and to lose withal the hopes he had conceived of recovering his liberty.

Charles de Blois, prisoner in England since the battle of la Roche de Rien, was more fortunate than the king of Scotland, at least with regard to his liberty, though it was purchased at a very dear rate. He articed with Edward to pay seven hundred thousand crowns for his ransom, and left his two sons in hostage for security of payment<sup>2</sup>.

Whilst Edward was employed at home, the prince of Wales ravaged the southern provinces of France, and particularly Languedoc. He made into that province a sudden irruption, which rendered him master of Carcassone and Narbonne, where he met with a very great booty, and then returned to Bourdeaux. By his retreat, the measures to oppose his invasion being neglected, he thought he might safely venture upon a second. As soon as his troops were a little refreshed, he marched again at the head of twelve thousand men, of whom not above three thousand were natives of England. He traversed le Perigord and le Lemousin, entered Berry, and appeared before the gates of Bourges: but the news of the king of France's approach with sixty thousand men, prevented his besieging that place, and even obliged him to take a compass, in order to retire to Bourdeaux; but John, foreseeing his design, marched with such expedition, that he overtook him near Poitiers. It being impossible for the prince to retreat, he resolved to intrench himself at Mau-pertuis, in a post incumbered with vines and hedges, and of a very difficult access. Two legates, sent by the pope to the two princes to persuade them to peace, used their utmost endeavours to prevent an engagement. They even induced the prince of Wales to promise to repair all the da-

<sup>1</sup> This he did on Jan. 20. at Roxburgh. Rym. Fœd. tom. v. p. 832, &c. Walf. p. 171. Knighton, col. 2611.

<sup>2</sup> Edward forgave him half the sum, on condition he would pay the other

half punctually at the days agreed on. The act for this purpose is dated at Westminster, the 10th of August, 1356. Rym. Fœd. tom. v. p. 862.

Ib. p. 832, 833, 835, &c. 838, 852.

Charles de Blois released, p. 746. 862.

Knighton;

1356.

The prince of Wales ravages Languedoc. Mezerai. Walsing.

The king follows him with a great army. Froiss. l. i. c. 162.

Offers of the  
prince are  
rejected.

mages done in his incursion, and engage not to bear arms against France for seven years. John's superiority causing him to reject these offers, he expected the prince with his whole army would surrender at discretion<sup>1</sup>. This condition not being relished by the prince, he generously replied, he had rather die sword in hand, than be guilty of a thing contrary to his honour, and the glory of the English name.

Battle of  
Poitiers.  
Froissart.  
l. i. c. 164.  
Walsing.

All hopes of agreement vanishing, the prince of Wales made a short speech to his troops, telling them, "That victory depended not on numbers, but on bravery: that for his own part he was resolved to conquer or die, and would not expose his country to the disgrace of paying his ransom." All king John's generals unanimously advised him to starve this little army, couped up in the middle of an enemy's country, where they would quickly be in want of all things. This advice appeared to him too wary, and inconsistent with his impatience. He fancied they would rob him of the transcendant glory he hoped to acquire by the defeat of so renowned a prince, to feed him with the imaginary honour of conquering without fighting. So, full of the pleasing expectation of obtaining an easy victory, and revenging his subjects, he resolved, without delay, to attack the enemies. He committed at first a very great error, in causing his horse to dismount and begin the fight: the horse, unaccustomed to charge on foot, were not able to break through the English, who had the advantage of the ground, in a country full of hedges, through which there was a necessity to pass, in order to force their entrenchments. The dismounted cavalry being repulsed with great loss, the infantry supplied their place, and met the same resistance, notwithstanding the king's efforts, who maintained the fight four hours, encouraging his troops by his voice and example, without fearing to expose his person to the greatest dangers. What efforts soever he made, it was not possible for him to rout this handful of English, whom the necessity of conquering, caused to fight desperately, being moreover animated by the example of the prince, who performed that day acts of wisdom and valour, comparable to those of the most renowned generals. Of four sons the king of France had with him, the three eldest retiring betimes, with eight hundred lances, their retreat did not a little con-

<sup>1</sup> He insisted at first, upon having four rest of the army should yield themselves of the principal English noblemen at his prisoners. Froissart, lib. i. cap. 163. mercy, and that the prince and all the

tribute to discourage the rest of the army. Mean time king John, urged by despair, signalized himself in all the most dangerous places, and drew upon him the bravest of his enemies. Though he saw himself forsaken, he inspired the boldest with terror: but, in all appearance, he would at length have sunk under the number of the enemies that surrounded him, and left him no hopes of saving his life, if Denis de Morbeck, a knight of Artois, dispersing those who pressed him the most vigorously, had not earnestly persuaded him to yield himself prisoner. He would have been very glad to deliver his sword to the prince of Wales, but as the prince was too remote, he was forced to surrender himself to Morbeck, with Philip his fourth son, about thirteen years old, who had all along fought by his side. In this unfortunate day, so fatal to France, there were not above six thousand men slain, but among that number were eight hundred nobles, the duke of Bourbon a prince of the blood, the duke of Athenes constable of France, the marshal de Nesle, and and above fifty other great lords of the kingdom.

John is taken prisoner; Act. Pub. v. p. 369. vii. p. 72. 154. Froissart. Walling. Knighton.

If the victorious prince distinguished himself by his conduct and bravery in that glorious day, he was no less admired after his victory, for his modest and generous behaviour to his prisoner. The evening after the battle, the king supping in the prince of Wales's tent, pressed him to sit at table with him; but he very civilly declining it, stood and talked with him all the while. As the king, whose thoughts were still employed with his unfortunate condition, was complaining of his fate, the prince said to him, in a free, though modest and unaffected manner, "That he had one great reason to be comforted, that the battle was not lost by his fault: that the English had found to their cost, he was the bravest of princes; but that God alone had disposed of the victory. And, (continued he) if your ill fortune has thrown you into your present disgrace, you may at least rest assured, that an inviolable regard shall be preserved for your person; and you shall find in me a very respectful relation, if I may be allowed to glory in that title." So great a modesty in a young victorious prince, little more than five and twenty years of age, melted the king into tears, and filled the hearers with admiration. As soon as John had recovered himself, he turned to the prince, and said to him with an air of satisfaction, "That since it was his destiny to be vanquished and taken, it was a great comfort in his misfortune, that he had not behaved himself unworthily, and was fallen into the hands of so valiant and generous a prince." On the morrow, solemn

Moderation and modesty of the prince of Wales, Froissart. Walling.

P. Æmyl.

lemn thanks were returned to God in the English camp for this great victory. The prince thanked his victorious troops, with such expressions as ascribed to them the honour of the day, without the least mention of himself. Then he marched for Bourdeaux, laden with an inestimable booty, and so great a number of prisoners, that it would have been difficult for the English to defend themselves, in case they had been attacked<sup>m</sup>.

1357.  
Froissart.  
Pol. Virg.

Truce for  
two years.  
Act. Pub.  
vi. p. 3.

King John  
conducted to  
London.  
Ibid.

He is re-  
ceived in an  
honourable  
manner.  
Froissart.  
Knighton.

It is easy to conceive the joy this news spread over all England, and how great Edward's satisfaction was in particular. God's protection of the prince of Wales being too visible to be forgot, the king ordered public thanksgivings for this signal victory to be returned to him eight days together in all the churches of the kingdom. The prince of Wales spent the winter at Bourdeaux, where two legates from the pope came and pressed him so earnestly, that he consented, with the approbation of the king his father, to a truce for two years, wherein all the allies of both crowns were included. In April following<sup>n</sup> he came into England, bringing his prisoner with him. He was received there with excessive joy, but constantly refused all the honours that were offered him, being satisfied with those paid to the captive king. When they made their entry into London, the prince of Wales rode on a little black nag by the king of France's side, who was mounted on a stately white courser, adorned with costly trappings. One would have thought that all the pomp<sup>o</sup> displayed on this occasion, was intended purely to do honour to the captive king, so great care was taken to avoid all signs of his disgrace, and every thing that might be offensive to his eyes. Though Edward disputed with him the title of king of

<sup>m</sup> This battle was fought on the 19th of September, 1356. See Rymer's *Fœd.* p. 870. There was above six Frenchmen to one Englishman. Walsingham, says, prince Edward had only one thousand nine hundred men at arms, and the same number of archers, p. 172. But J. Barnes says, his army consisted of about eight thousand men. p. 504. The prisoners are said to be more in number than the English army. And among them were, besides the king and his son, seventeen earls, and of barons, knights, and esquires, to the number of one thousand five hundred. P. *Æmyl. Wals.* On the sixteenth of May was held a provincial synod at St. Paul's, wherein the bishops granted the

king a tenth for two years, and the inferior clergy for one year. R. Avesb. c. 108.

<sup>n</sup> According to Walsingham, the prince landed at Plymouth, May 5, and made his entry into London the 24th of the same month. p. 172.

<sup>o</sup> He was received by Henry Picard, the lord mayor (the same that afterwards so magnificently entertained at one time the four kings of England, France, Scotland, and Cyprus) with the aldermen, &c. in all their formalities, with the city pageants; and in the streets, as he passed to Westminster, the citizens hung out all their plate, tapestry, and armour, so that the like had never been seen before in the memory of man. Barnes, p. 526.

France,



France, he treated him however like a king. The sight of the captive prince putting him in mind of the instability of human grandeur, he received him with as cordial embraces, as if he had been his own brother, or one come on purpose to pay him a visit. In this noble and generous manner, the father and son strove with emulation to comfort the unfortunate king, by all the marks of respect due to a great prince, in whatever state fortune may have placed him. It is reported, when Edward received the news of the victory of Poitiers, he said to those about him, that his satisfaction at so glorious a success was not comparable to the pleasure caused by the generous behaviour of the prince. King John and prince Philip his son were lodged together in the palace of the Savoy<sup>p</sup>, with all the honourable freedom they could desire. The other captive lords met with the same treatment and civilities.

Edward enjoyed then a so much greater glory, as it was very uncommon, I mean of his having prisoners his two most potent enemies; the king of France at London, and the king of Scotland at Odiam in Hampshire. King David should have had his liberty long since, pursuant to the articles agreed upon three years before; but for the reasons above-mentioned, saw himself still detained in captivity. However when he had the least cause to expect any favour from a victorious enemy, who had just reduced Scotland to an irretrievable state, Edward was moved by the pressing instances of the queen his sister, and agreed to renew the treaty of 1354. To that end he granted safe conducts to ambassadors from Scotland, who, during a short truce, obtained their king's liberty, upon much the same terms as in their first treaty. They engaged to pay for his ransom a hundred thousand marks sterling; namely, ten thousand every year till the whole was paid; and for security, the king of Scotland gave twenty hostages. At the same time a ten years truce was concluded between England and Scotland. David was released upon these conditions, which he took care to ratify as soon as he came into his kingdom, after an eleven years captivity. It seems that Edward, then wholly taken up with his vast projects against France, had lost all thoughts of becoming master of Scotland. At least he believed it best to defer the execution of that design, till a more convenient season.

The king of Scotland set at liberty. A. A. P. vi. p. 39. 68. Buchanan. Walsing.

<sup>p</sup> So called from Peter earl of Savoy, who lived in it. Eleanor, wife of Henry III. bought it of the fraternity of Mountjoy, and gave it to her son Edmund, earl of Lancaster, and it was now in the possession of Henry duke of Lancaster.

1358.  
Magnificent  
tournament  
at Windsor.  
Froissart.  
Walsing.  
Knighton.

Edward's late truces with France and Scotland having freed him from the trouble of foreign affairs, he confined his thoughts to the government of his kingdom. But as nothing extraordinary passed, he spent part of his time in diversions, of which the king of France and the other chief prisoners always partook. The tournament he held at Windsor on the 23d of April, 1358, to solemnize the feast of St. George, patron of the order of the garter, was the most sumptuous and magnificent that had ever been seen in England. The duke of Brabant, with several other foreign princes, and an infinite number of knights of all nations were present, and splendidly entertained.

Queen Isabella dies.  
A.C. Pub.  
vi. p. 110.  
Walsing.  
Knighton.

This diversion was followed by the funeral of queen Isabella, the king's mother. She died at the castle of Risings, aged sixty-three years, after twenty-eight years confinement. If the marriage of this queen was fatal to the king her husband, it was no less so to France, since it proved the occasion of a long and bloody war, which brought that kingdom to the brink of destruction.

Earl of  
Harcourt  
makes Ed-  
ward his  
heir.  
Froissart,  
l. i. c. 174.  
A.C. Pub.  
v. p. 856.

Geoffrey d'Harcourt, of whom I have spoken on occasion of the king's descent at la Hogue, and who served the king of Navarre in Normandy, was there slain about this time. As he had by will made the king of England his sole heir, and as his lands were in the demesns of the king of Navarre in Normandy, Edward took possession, and gave them to the lord Holland.

Great trou-  
bles in  
France.  
Froissart.  
l. i. c. 179.

Whilst England enjoyed a profound tranquility, France was in extreme desolation by the intestine troubles caused by the king's imprisonment. Charles, the dauphin, John's eldest son, held the reins of the government, by the title of lieutenant-general, afterwards changed into that of regent. His regency was so disturbed by the cabals of some restless men, who found their advantage in the confusion of affairs, that it was not possible to think effectually of freeing their king. The affairs of France were then in a deplorable situation. Charles the Bald, king of Navarre, though sprung from the royal family of France, raised daily commotions and tumults in Paris,

Walsing.

<sup>9</sup> She died in Novemb. and was buried in the choir of the Grey Friars, now called Christ Church in London. A little after died also her daughter Joan, queen of Scots, and was buried in the same church with the queen her mother.

<sup>1</sup> He forsook some years before, king Edward, and joined the king of

France; as appears by an order from king Edward to the bailiffs of Wewmouth, dated March 5, 1347, for seizing his jewels, armour, goods, chattels, &c. See Rymer's Fœd. tom. v. p. 552.

<sup>2</sup> From the branch of Evreux, or rather of Eu.

where

where he had a powerful party<sup>1</sup>. The authority of the dauphin was thereby so restrained, that though a prince of great abilities, he knew not which way to govern so divided a state. Amidst this confusion, the French lived in a kind of anarchy. The nobles and officers of the army oppressed the meaner sort of people, especially the peasants, to whom they gave the nick-name of Jaques bon homme<sup>2</sup>. Raillery, joined with oppression, driving these poor wretches to despair, they assembled in great troops in le Beauvoisin, bent upon extirpating all the nobles. In a short time, their number being considerably increased, they became so formidable, that there was a necessity of drawing together all the forces of the kingdom, to disperse this army of rustics, which daily grew stronger. This war, which was called the Jaquery, created the regent great trouble. It was one of the principal causes, that prevented his taking measures to oppose the invasion threatened by the English as soon as the truce should be expired.

Froissart.  
l. i. c. 184.  
180.  
The Jaquery-war.

During all these disorders, king John, heartily tired of his confinement in England, however easy it was, treated himself with Edward concerning his liberty. He could not obtain it without yielding to the conqueror's terms. But, as he was fully informed of the disturbances in France, he believed he could not purchase too dearly a freedom, which might enable him to restore peace in his kingdom. Wherefore he agreed with Edward upon a treaty very disadvantageous to France, whereby he resigned several provinces to the crown of England. The general assembly of the states being met upon that occasion in 1359, found the conditions so hard, that they would not ratify the treaty. By this refusal, the captive king saw all his hopes vanish. Mean while the states plainly perceiving they had given occasion for the renewing the war, offered the regent all necessary assistance to procure better terms by arms: But they promised more than they performed. Edward loudly complained of being deceived, and suddenly altering his carriage to king John, confined him in the castle of Sommerton, from whence he afterwards removed him to the Tower of London. Doubtless he did not think it prudent to leave that prince at London upon his parole, whilst he himself should be in the heart of France, where he resolved to carry the war.

1359.  
Treaty between the two kings rejected by the states of France.  
Knighton.  
Walsing.  
Froissart.  
l. i. c. 203.  
A.D. Pub.  
tom. vi. p.  
123, &c.

Edward resolves to carry the war into France.  
Id. p. 120.  
124.  
Walsing.

<sup>1</sup> And his brother Philip, with the lord James De la Pye, and Robert Knolles, cruelly wasted Normandy and

Bretagne about this time. Walsing.  
<sup>2</sup> Or James Goodman.

He goes  
over to Ca-  
lais with a  
great army.  
Froissart.  
i. i. c. 207.  
Walsing.

The preparations for this fresh expedition were prodigious. An army of an hundred thousand men, transported to Calais, was a plain indication of his design to make a powerful effort to subdue France, whilst the troubles of that kingdom offered him so fair an opportunity. When his forces were landed at Calais, he divided them into three bodies. The first was commanded by the duke of Lancaster, who had lately given his only daughter in marriage to John of Gaunt, the king's fourth son<sup>1</sup>. The prince of Wales headed the second, and the king himself commanded the last. With these numerous troops conducted by the three most famous generals then in Europe, Edward marched into France without opposition. The dauphin not being strong enough to appear in the field, was contented with providing his principal towns with ammunition, without hazarding a battle with forces so unequal to those of the enemy.

He ravages  
France to  
the very  
gates of  
Paris.  
Froissart.  
i. i. c. 209.  
&c.

Act. Pub.  
tom. vi. p.  
161.

1360.

Mean time, Edward traversing Artois, entered Champagne, and approached Rheims, in order to surprize the city, where some groundlessly affirm, he designed to be crowned. But missing his aim, he fell upon Sens, which he easily took. The duke of Burgundy perceiving himself unable to save his country from plunder, obtained a separate truce for three years, upon promise of paying two hundred thousand florins<sup>2</sup>, and supplying the English army with provisions. Le Nivernois followed the example of Burgundy; but La Brie and Le Gatinois were ravaged<sup>3</sup>. Edward's aim being to draw the French to a battle, he neglected nothing to provoke them. For that purpose, he went about the end of Lent and encamped with seven leagues of Paris, between Chartres and Mont le Herry. His approach not being ca-

<sup>1</sup> Walsing. relates he had then no less than one thousand one hundred ships ship, p. 174.

<sup>2</sup> Then earl of Richmond; Rapin by mistake says the king's third son. Henry Plantagenet, duke of Lancaster, had two daughters, Maud and Blanch. Maud, after she had been married first to Ralph, son and heir to the lord Stafford, and after his death, to William, duke of Zealand, died without issue in 1363; by which means the whole estate fell to her sister Blanch, who was married to the earl of Richmond, on April 14, at Reading, in 1360, who upon the death of his father-in-law, was made duke of Lancaster. Dug. Baron, vol. i. Wals. p. 173.

<sup>3</sup> It is in the treaty itself two hundred moutons, or deniers of gold. Rymer's Fœd. tom. vi. p. 161. which was equal to about thirty-five thousand pounds sterling, according to Mr. Tyrell's computation. p. 625.

<sup>4</sup> While king Edward was thus employed beyond sea, some Normans landed at Winchelsea, on March 15, 1359, and plundered that town: But the Londoners and some other towns sent out the next year, a fleet of eighty ships, having on board fourteen thousand men, and therewith scoured the seas. At last, landing in France, they made themselves masters of the isle of Saus. Rymer's Fœd. tom. p. 167.

pable to draw the dauphin out of Paris, he advanced to the very gates of the city, without succeeding in his design. Though the smook of the villages, set on fire by the English might be seen from the walls, the dauphin, to whom was afterwards given the surname of The Wise, was too prudent to run any hazard. Taught by the fatal examples of the kings his father and grandfather, he took care not to venture the crown upon the decision of a battle; where he could have little hopes of success. As he knew Paris was able to maintain a long siege, he kept himself shut up in the city; and all Edward's insults could not make him alter his resolution. He tried, however, to deliver France from the impending danger, by offering certain proposals to his enemy, but which were scornfully rejected. Edward thought he was in condition to give law, and prescribe what terms he pleased. He seemed at first to have formed the design of besieging Paris, but afterwards finding it too difficult an undertaking, turned back towards la Beauce. Cardinal de Langres the pope's legate, attended him every where, and continually pressed him to give bounds to his ambition, but these remonstrances were then ineffectual. Edward stayed some time in la Beauce, from whence he designed to lead his troops to the Loire. Mean while, though his army still marched through very plentiful countries, it was daily diminished by sickness. It was doubtless a great mortification to that monarch to see the little progress he had made with so numerous an army. Though he was in the heart of France, he could not flatter himself with having made any certain conquest. This perhaps was one reason of his hearkening at last to the legate's solicitations; though his change is ascribed to another cause. One day, as he lay encamped in the country about Chartres, a sudden and dreadful storm arose, accompanied with thunder and hail of a prodigious size, which killed six thousand horses and a thousand men\*. So extraordinary an accident was deemed by the troops as a sign of God's wrath. The king himself seemed to be possessed with the same opinion. Perhaps he was glad this event furnished him with an opportunity to shew his willingness to grant a peace to France, from a pure motive of generosity; and thereby hide the shame of not being able, with so fine an army, to do any thing more than destroy the open country.

The dauphin's proposals rejected, Froissart, l. i. Walling.

Reasons which induced Edward to a peace, Ibid.

An extraordinary accident induced him to it. Froissart, l. i. c. 213.

\* The lord Morley was killed outright, and the lord Guy de Beauchamp, mortally wounded by one of the hailstones, died thereof on the 28th day of April following. Tyrral, p. 629.

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May 1.

Be this as it will, in the midst of the storm, he turned his face towards the church of Chartres, which he saw at a distance, and falling on his knees, made a vow to consent to a peace upon equitable terms. The legate improving this disposition, earnestly pressed him to execute his generous design, and prevailed with him to send plenipotentiaries to Breigny, a village near Chartres, to treat of a peace. Here it was the dauphin and his chief counsellors appeared for France; and for England, the prince of Wales, with such assistants as the king his father appointed. In a few days, a treaty was concluded which gave some intermission to the calamities of France. This peace, which annulled all former treaties, and served for foundation to new rights, makes a very considerable epocha in the English history, with regard to the differences between the two crowns. So there is no understanding the recital of the events which ensued, without a perfect knowledge of the articles of the treaty, which therefore it is absolutely necessary to insert <sup>b</sup>.

## T R E A T Y of B R E T I G N Y.

Edward, eldest son to the king of France and England, prince of Wales, duke of Cornwall, and earl of Chester; To all those who shall see these letters, greeting: We make you know, that after all the debates and disorders whatsoever, moved or stirred between our lord and father, king of France and England, on the one part; and our cousins the king, his eldest son, regent of the realm of France, and all those it may concern on the other part; for the good of peace, it is agreed, the 8th day of May, 1360, at Breigny near Chartres, in the manner following:

**I. T**HAT the king of England, with what he holds in Gascoigne and Guienne, shall have, for him and his heirs for ever, all those things which follow, to hold them in the

<sup>b</sup> Rapin has somewhat abridged most of the articles of this treaty, but the translator believing it to be more satisfactory to have them at large, has inserted Dr. Brady's faithful translation from the French, with notes, where they were afterwards altered and corrected by the two kings at Calais. This famous treaty was managed by the prince of Wales, and Charles regent of France, in the names of both kings. Commissioners for the English were, sir Reinald de Cobham, sir Bartholomew Burghersh, sir Francis Hale, bannerets; sir Miles Stapleton, sir Richard la

Vache, and sir Neel Loring, knights, with others of the king's council: On the French party were, the elector of Beauvais, the chancellor Charles lord Montmorency, monsieur John de Meingre marshal of France; monsieur Aybert de la Tour lord of Vivoy, monsieur Ralph de Ravenal, monsieur Simon de Bucy, knights; monsieur Stephen de Paris, and Peter de la Charité, with many others of his council, named by king John himself. The original from whence this translation was made by Dr. Brady, is printed in Rymer's Fœd. tom. vi. p. 229, 178, &c.

same

same manner the kings of France, or his son, or any of his ancestors, kings of France, held them : That is to say, those in sovereignty in sovereignty, and those in demesne in demesne, according to the time and manner hereafter declared. The city, castle and earldom of Poictiers, with the whole land and country of Poictou ; together with the fief of Thouars, and land of Belleville ; the city and castle of Xaintes, and the whole land of Xaintonge, on this side, and beyond the river of Charente ; the city and castle of Agen, and the land and country of Agenois ; the city and castle and whole earldom of Perigort, and the land and country of Perigeux ; the city, castle, and whole earldom of Limoges, the land and country of Limosin ; the city and castle of Gahors, and the land and country of Gahorsin ; the city and castle and country of Tarbe, and the land, country and earldom of Bigorre ; the earldom, land, and country of Gaure : the city and castle of Angolesem, and the earldom, land, and country of Angolemois ; the city and castle of Rhodes ; the land and country of Rovergne. And if there be any lords, as the earl of Foix, the earl of Armagnac, the earl of Lisle, and the earl of Perigort, and viscount of Limoges, or others, which hold any lands within the bounds of these places, they shall do homage to the king of England, and all other services and devoirs due by reason of their lands, in the same manner they did in times past.

II. Also the king of England shall have all that any of the kings of England anciently held in the town of Monistrel upon the sea, with their appurtenances.

III. Also the king of England shall have all the country or earldom of Ponthieu entirely ; save and except, that if any thing of the said country or appurtenances have been alienated by the kings of England for the time being, and to other persons than the kings of France, the king of France shall not be obliged to render them to the king of England : And if the said alienations have been made to the kings of France for the time being, without mean, and he doth possess them at present, they are entirely to be released to the king of England ; except the kings of France had them by exchange for other lands of the kings of England, then both were to release. But if the kings of England for the time being, had alienated any thing to other persons than to the king of France, and afterwards they came into his hands, he shall not be obliged to render them. Also if the things abovesaid

\* The first article was corrected ; and " reignty in sovereignty," were in instead of the words, " those in sovereignty," " those in fee in free."

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owe homage, the king of France shall convey them to others, who shall do it for the king of England : And if they do not owe homage, the king of France shall appoint a trustee or tenant to perform the devoir, within one year after he shall depart from Calais.

IV. Also the king of England shall have the castle and town of Calais ; the castle, town, and seigneurie of Merk ; the towns, castles, and lordships of Sangate, Colongue, Hames, Wale and Oye, with lands, woods, marshes, rivers, rents, lordships, or seigneuries, advowsons of churches, and all other appurtenances lying between the meests and bounds following ; that is to say, from Calais by the course of the river that goes by the Graveling, and also by the course of the same river round about Langale, and by the river which goes beyond the poil, and by the same river that falls into the great lake of Guisnes, and so to Fretun, and from thence by the valley about the hill Calculy, enclosing that hill, and so to the sea, with Sangate, and all the appurtenances.

V. Also the king of England shall have the castle, town, and country, or earldom of Guisnes, with all the lands, towns, castles, fortresses, places, men, homages, lordships, woods, forests, and the rights of them, as entirely as the earl of Guisnes, lately dead, had them at the time of his death ; and the churches and good people being within the limits of the county of Guisnes, of Calais, and Merk, and other places abovesaid, shall obey the king of England, as they obeyed the king of France, or earl of Guisnes for the time being ; all which things of Merk and Calais, contained in this and the precedent article, the king of England shall hold in demesne, except the heritages of the churches, which shall remain to them entirely wherever they be ; and also except the heritages of other people, of the country of Merk and Calais, lying out of the town of Calais, to the value of a hundred livres of yearly rent, or under, of current money of the country, which shall remain to them. But the heritages and habitations being in the town of Calais, with their appurtenances, shall be to the king of England in demain, to dispose of them at his pleasure ; and also the inhabitants, in the county, town, and lands of Guisnes, shall enjoy all their demesns entirely, and shall wholly be returned to them, saving what hath been said concerning the borders, meets, and bounds in the precedent article.

VI. Also it is agreed, the king of England and his heirs shall have and hold all the isles adjacent to the lands, countries,



tries, and places before-named : together with all other isles which he holds at present.

VII. Also it is agreed, the king of France, and his eldest son, the regent, for them, their heirs and successors, as soon as they can without deceit, and at furthest by the feast of St. Michael, in one year after the same feast next coming, shall render, transfer, and deliver to the king of England, his heirs and successors, all honours, obediences, homages, liegances, vassals, fees, services, recognisances, rights, mere and mixt empire, and all manner of jurisdiction, high and low, resorts, safeguard, collations and patronages of churches, and all manner of seigneuries and sovereignties, and all the right they have, or can have, appertains, or can appertain to them, by what cause, title, or colour of right soever, or to the kings and crown of France, by reason of the cities, counties, towns, castles, lands, countries, isles, and places before-named, and all their appurtenances and dependances, and every one of them, wherever they are, without retaining any thing to them, or their heirs and successors, or to the kings or crown of France. And also that the king and his eldest son, should send their letters patents to all the archbishops, bishops, and all other prelates of holy church ; and to the earls, viscounts, barons, noblemen, citizens, and others of the cities, lands, countries, isles and places before-named, that they should obey the king of England, and his heirs, and their certain command, in the same manner they had obeyed the kings and crown of France ; and by the same letters they should quit and absolve them after the best manner they could, from all faiths, homages, oaths, obligations, subjections and promises, made by any of them, to the kings and crown of France, in what manner soever<sup>d</sup>.

VIII. Also, it is agreed, That the king of England shall have the cities, counties, castles, lands, countries, isles, and places before-named, with all their appurtenances and dependences, wherever they are ; to hold to him, his heirs and successors, heritably and perpetually in demesne, as the kings of France held them, and in the same manner, saving what hath been said above, in the article of Calais and Merk ; and also the cities, castles, counties, lands, countries, isles, and places before named, rights, mere and mixt empire, ju-

<sup>d</sup> This article was corrected ; the word " Resorts" being left out in the corrected copy, and these words or sentence " and all manner of seigneuries, " and sovereignties," and these words or sentence " without retaining any thing to them or their heirs and successors, or to the kings or crown of France ;" also the last words, " in what manner soever."

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jurisdiction and profits whatever, which any kings of England held there, with their appurtenances and dependences; and alienations, donations, obligations, or incumbrances, had, or done by any of the kings of France, in seventy years from that time, by whatsoever cause or form it was; all such alienations, donations, obligations or incumbrances, are now, and shall be wholly annulled, repealed, and made void: and all things so given, alienated, or incumbered, shall be really rendered and delivered to the king of England entirely, and in the same condition they were seventy years since, or to his special deputies, as soon as they may without fraud; and at furthest, before Michaelmas next come twelvemonths, to hold them heritably and perpetually, and to his heirs and successors; except what is said in the article of Ponthieu, which is to remain in its force; and saving all things given and alienated to churches, which shall peaceably remain to them in all countries before and after-named, so as the parsons of the churches pray diligently for the kings as for their founders, wherewith their consciences shall be charged.

IX. Also, it is agreed, The king of England shall have and hold all the cities, counties, castles, and countries above-named, which antiently the kings of England had not, in the same estate as the king of France, and his sons hold them at present.

X. Also, it is agreed, That if within the limits of the countries the kings of England antiently possessed, they should now have any thing that was not then theirs, of which the king of France was in possession, on the 10th of September, 1356, they shall be and remain to the king of England, and his heirs, as above-said.

XI. Also, it is agreed, That the king of France, and his eldest son the regent, for them and their heirs, and for the kings of France and their successors for ever, as soon as they can without deceit, and at furthest before Michaelmas 1361, shall render and deliver to the king of England, his heirs and successors, and transfer to them all the honours, liegeances, obediences, homages, vassals, fees, services, recognizances, oaths, right, mere and mixt empire, all manner of jurisdictions, high and low, resorts, safeguards, and seigneuries, which can, or may belong in any manner to the kings or crown of France, or to any other person, by reason of the king or crown of France, at any time, in the cities, counties, castles, lands, countries, isles, and places above-named, or in any of them, their appurtenances and appendances whatsoever, or in persons, vassals, subjects, or whatsoever of them,

them, be they princes, dukes, earls, viscounts, archbishops, bishops, and other prelates of the church, barons, noblemen, and others whatsoever, without reserving or retaining any thing to them, their heirs, and successors, or to the crown of France or others, whatever it be, whereby they, their heirs, and successors, or any kings of France, or other person, under pretence of the king and crown of France, may challenge, and demand any thing in time to come, from the king of England, his heirs and successors, or upon any of the vassals and subjects aforesaid, by reason of those countries and places: also all the before-named persons, their heirs and successors,\* shall for ever be the liegemen and subjects of the king of England, his heirs and successors; and that he and they shall hold all the persons, cities, counties, lands, countries, isles, castles, and places aforesaid, and all their appurtenances and appendances, and they shall be and remain to them fully, perpetually, freely in their seignoury, sovereignty, obedience, liegeance, and subjection, as the kings of France had and held them in any time past; and that the said king of England, his heirs, and successors, shall have and hold perpetually all the countries before-named, with their appurtenances and appendances, and other things before-named, with all perpetual franchises and liberties, as sovereign and liege lord, as neighbour to the king and realm of France, without acknowledging any sovereign, or performance of any obedience, homage, resort, subjection, and without doing in any time to come any service, or making recognisance to the king or crown of France, for the cities, counties, castles, lands, countries, isles, places, and persons before-named, or for any of them.

Also, it is agreed, That the king of France, and his eldest son the regent, for them, and their heirs, and for the kings of France, and their successors for ever, as soon as they can without fraud, and at farthest before Michaelmas 1361, shall render and deliver to the king of England, his heirs and successors, and transfer to them, all the honours, liegeances, obediences, homages, vassals, fees, services, recognisances, oaths, right, mere and mixt empire, all manner of jurisdictions high and low, safeguards and seigneuries, which can or may belong in any manner, to the kings or crown of France, or to any other person by reason of the king and crown of France, at any time in the cities, counties, castles,

\* This article was corrected, and at the whole article there being no more than what follows in the next paragraph, least two parts of three left out of the corrected letter (as then called) of copy,

lands, countries, isles, and places above-named, or in any of them, their appurtenances, and appendences whatsoever, or in persons, vassals, subjects, or whosoever of them.

XII. Also, it is agreed, That the king of France and his eldest son, shall renounce expressly all resorts and sovereignties, and all the right they have or can have in all those things, which by this treaty ought to belong to the king of England. And in like manner, he and his eldest son shall renounce expressly all those things, which by this treaty ought not to belong or be delivered to him, and all demands he makes of the king of France, and especially to the name, and to the right of the crown of the kingdom of France, and to the homages, sovereignty, and demesne of the duchy of Normandy, the duchy of Tourain, the counties of Anjou and Maine, the sovereignty and homage of the dukedom of Bretagne, and the homages and sovereignties of the country and county of Flanders, and all other demands he can or shall make of the king of France, for what cause soever, except what by this treaty ought to remain, and be delivered to the king of England and his heirs; and one king shall part with, release and transfer to the other perpetually all the right which either of them hath, or can have, in all the things which by this treaty ought to remain, and be delivered to each of them; and of the time and place where and when the said renunciations shall be made, the two kings shall agree and appoint when they meet at Calais<sup>f</sup>.

XIII. Also, it is agreed, That to the end this treaty may be speedily accomplished, that the king of England shall bring the king of France to Calais, within three weeks after Midsummer, (there being no just hindrance) at his own expence.

XIV. Also, it is agreed, That the king of France shall pay to the king of England, three millions of crowns of gold, whereof two shall be of the value of a noble of English money; where six hundred thousand crowns shall be paid to him or his deputies, within four months after the king of France shall arrive at Calais, and within a year following, four hundred thousand crowns to be paid at London, and so every year four hundred thousand crowns to be paid there until the whole was discharged.

XV. It is also agreed, That for the payment of the six hundred thousand crowns at Calais, and for the delivery of the

<sup>f</sup> This article was entirely left out of the treaty corrected at Calais, when the two kings met there.

hostages hereafter named, within four months after the king of France shall be come to Calais, the town, castle, and fortresses of Rochelle, the castles, fortresses, and towns of the county of Guisnes, shall be rendered to the king of England, with all their appurtenances and appendances; and the person of the king of France shall be delivered out of prison, but he is not to arm himself or people against the king of England, but is to accomplish what was to be done by this treaty; and the hostages are the great prisoners taken at the battle of Poitiers, and these following:

That is to say, monsieur Lewis earl of Anjou, monsieur John earl of Poitiers the king's sons, the duke of Orleans the king's brother, the duke of Bourbon, the earl of Blois, or his brother, the earl of St. Paul, the earl of Alençon, or monsieur Peter of Alençon his brother, the earl of Harcourt, the earl of Portien, the earl of Valentinois, the earl of Briene, the earl of Vaudemont, the earl of Forest, the viscount Beaumont, the lord of Coucy, the lord of Fienne, the lord of Preaux, the lord of St. Venant, the lord of Garancieres, the dauphin of Auvergne, the lord of Hangeft, the lord of Montmorency, monsieur William de Craon, monsieur Lewis of Harcourt, monsieur John de Ligny. The names of the prisoners taken at Poitiers are these:

Monsieur Philip of France, the earl of Eu, the earl of Longueville, the earl of Ponthieu, the earl of Joigny, the earl of Sancerre, the earl of Dammartin, the earl of Ventadour, the earl of Salbruche, the earl of Auxerre, the earl of Vendosme, the earl of Craon, the lord of Darnalt or Rual, the marshal of Danchan or d'Andeneham, the lord of Aubigny.

XVI. Also, it is agreed, that the prisoners aforesaid, which come to remain in hostage for the king of France, shall therefore be delivered out of prison, without paying any ransom, according to agreement, made before the third of May past; and if any of them be out of England, and not in hostage at Calais, within the first month after the said three weeks after Midsummer, without just hindrance, he shall not be quit of his imprisonment, but be forced by the king of France to return into England, and there remain prisoner, or pay the penalty by him promised and incurred, for not returning.

XVII. Also, it is agreed, That instead of those hostages, which shall not come to Calais, or shall die, or shall remove out of power of the king of England, the king of France shall deliver others of the same quality, as soon as may be, within

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within four months after the bayly of Amiens, and the major of St. Omer, upon the king of England's certificate, shall have notice thereof; and the king of France upon his departure from Calais, may have in his company ten of the hostages, such as the two kings shall agree upon, so as thirty may remain.

XVII. Also, it is agreed, That the king of France, within three months after he shall be gone from Calais, shall send thither, to remain in hostage, four persons of the town of Paris, and two of every town following; of St. Omer, Arras, Amiens, Beauvais, Lisle, Doway, Tournay, Reims, Chazalons, Troyes, Chartres, Toulouse, Lyons, Orleans, Compiègne, Rouen, Caen. Tours, Bourges; the most sufficient of these towns for the accomplishment of this treaty.

XIX. Also, it is agreed, That the king of France shall be brought from England to Calais, and remain there for four months, but shall pay nothing the first month for his guard and keeping; but for every one of the other months he shall remain there, he shall pay six thousand royals, as they shall be then current in France, before his departure from Calais, and so afterwards for the time he stays there.

XX. Also, it is agreed, That as soon as may be, within a year after the king of France is departed from Calais, monsieur John earl of Montfort, shall have the earldom of Montfort, with all its appurtenances, doing homage liege to the king of France, and his devoir and service in every case, as a good and loyal vassal liege ought to do to his liege lord by reason of his earldom; and also his other heritages shall be rendered to him, that belong not to the duchy of Bretagne, doing homage and other dues belonging to them; and if he will demand any thing in any of the heritages belonging to that duchy, out of the country of Bretagne, he shall receive good and speedy reason from the court of France.

XXI. Also, upon the question of the demesne of Bretagne, which is between monsieur John de Montfort, and monsieur Charles de Blois, it is agreed, That the two kings calling before them or their deputies, the principal parties, they shall inform themselves of their right, and shall endeavour to make them agree about all that is in debate between them, as soon as they can: and in case neither the kings, or their deputies, can make an agreement within a year after the king of France shall arrive at Calais, friends on both sides may make the best agreement between them they can, and as soon as they can; and if they cannot compromise the matter within

half

half a year, they shall make report thereof, and what they find concerning the rights of each party, and why the debate remains between them, to the two kings or their deputies, and then they, as soon as may be, shall make an accord, giving their final sentence upon the right of each party, which shall be executed by the two kings; and in case they cannot end the controversy in half a year, then the two principal parties of Blois and Montfort shall do what seems best to them, and the friends of one part and the other, shall assist which part they please, without hindrance of the said kings, or without receiving any damage, blame or reproach from them; and if it happen that one of the parties will not appear before the kings or their deputies, at the time appointed, and also in case the kings or their deputies shall declare an accord between the parties, and shall give their opinion of the right of one party; and either of the parties will not consent to, and obey the declaration, then the said kings shall be against him with their whole power, and aid the other which shall comply and obey; but the two kings shall not in any case, in their proper persons or by others, make war upon one another for the cause aforesaid, and the sovereignty and homage of the duchy shall always remain to the king of France.

XXII. Also, That all the lands, towns, countries, castles, and other places delivered to the king, shall enjoy such liberties and franchises as they have at present, which shall be confirmed by the said kings or their successors, so often as they shall be duly required, if they be not contrary to this agreement.

XXIII. Also, the king of France shall render, or cause to be rendered, and confirm to monsieur Philip of Navarre, and to all his adherents, after this time, as soon as may be, without deceit, and at furthest within a year after the king of France shall be gone from Calais, all the towns, fortresses, castles, lordships, rights, rents, profits, jurisdictions, and places whatever, which he, in his own right, or in right of his wife, or adherents, held or ought to hold in the kingdom of France: and that he shall not do them any damage or injury, or reproach them for any thing done before that time, and shall pardon them all offences and misprisions for the time past, by reason of the war; and for this they shall have good and sufficient letters, so as the said monsieur Philip and his adherents return to their homage, and perform their duties, and be good and loyal vassals.

XXIV.

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XXIV. Also it is accorded; That the king of England may give, for this time only, to whom he pleases, the lands and heritages that were monsieur Godfrey de Harcourt's, to hold of the duke of Normandy, or other lords of whom they ought to hold; by homage and services anciently accustomed:

XXV. Also, it is agreed, That if any man or country, under the obedience of one party; shall, by reason of this agreement, go under the obedience of the other party; he shall not be impeached for any thing done in time past:

XXVI. Also, it is agreed, That the lands of the banished, and adherents of one party and the other, and the churches of one party and the other; and all those that are disinherited and outed of their lands; or charged with any pension, tax or imposition, or otherwise in any manner charged by reason of the war, shall be restored entirely to the same rights and possessions which they had before the war began; and that all manner of forfeitures, trespasses, or misprisions, done by them, or any of them in that time, shall be wholly pardoned; and these things to be done so soon as they well can, or at furthest within one year after the king shall leave Calais; except what is said in the article of Calais and Merk; and the other places named in that article; except also the viscount of Fronsac, and monsieur John Gaillard, who are not to be comprised in this article, but their goods and heritages shall remain as they were before the treaty.

XXVII. Also, it is agreed, that the king of France shall deliver to the king of England, as soon as well he may, and at farthest within one year after his departure from Calais; all the cities, towns, countries, and other places above-named, which by this treaty ought to be delivered up to him.

XXVIII. Also, it is agreed, that upon delivery of the towns, fortresses, and whole county of Ponthieu; the towns, fortresses, and whole county of Montfort; the city and castle of Xaintes; the castles, towns, fortresses, and all the king held in demesne in the county of Xaintonge, on both sides the river Charente; the city and castle of Angoulême, and the castles, fortresses, and towns, which the king of France held in demesne in the country of Angoumois, with letters and commands of releasing of faith and homage to the king of England, or his deputies; he at his proper cost and charge shall deliver all the fortresses taken and possessed by him, his subjects, adherents, and allies, in the countries of France, of Anjou, of Maine, of Berry, Auvergne, Burgogne, Champagne, Picardy, and Normandy, and in all other parts and lands



lands of the kingdom of France; except those in the duchy of Bretagne, and those countries and lands which by this treaty ought to be and remain to the king of England.

XXIX. Also, it is agreed, that the king of France shall give up and deliver to the king of England, his heirs, or deputies, all the towns, fortresses, castles, and other lands, countries, and places before-named, with their appurtenances, at his proper cost and charge: and also, if he shall have any rebels or disobedient, that will not render and give up to the king of England any cities, castles, towns, countries, places, or fortresses, which ought to belong to him, the king of France shall be bound to cause them to be delivered at his own expence: and likewise the king of England shall cause to be delivered at his expence, the fortresses that by this treaty ought to belong to the king of France. And the said kings and their people, shall be bound to aid one another, when they shall be required, at the wages of the party that shall require it, which shall be one florin of Florence a day for a knight, and half a florin for an escuyer, and to others according to that rate. And for the surplus of the double wages, it is agreed, that if the wages be too small in regard of the rate of provisions or victuals in the countries, they shall be regulated by four knights chosen for that purpose, two of one party and two of the other.

XXX. Also, it is agreed, that all the archbishops, bishops, and other prelates, and men of holy church, by reason of their temporalities, shall be subject to that king under whom they hold their temporalities; and if they have temporalities under both kings, they shall be subject to each king for the temporality they hold of him.

XXXI. Also, it is agreed, that good alliances, amities, and confederacies be made between both the kings and their kingdoms, saving the conscience and honour of one king and the other, notwithstanding any confederacies they have made on this side; or beyond the sea, with any persons, be they of Scotland, or Flanders, or any other country.

XXXII. Also, it is agreed, that the king of France, and his eldest son the regent, for them and for their heirs kings of France, as soon as it may be done, shall declare themselves, and depart from all the confederacies they have with the Scots; and promise, that they nor their heirs, nor the kings of France for the time being, shall give or do to the king or realm of Scotland, nor the subjects thereof, present and to come, any aid, comfort, or favour, against the king of England, his heirs and successors, nor against the kingdom,

kingdom, nor against the subjects in any manner; and that they make not other alliances with the Scots in time to come, against the kings and kingdom of England. And in like manner, as soon as it may be done, the king of England and his eldest son shall declare themselves, and depart from all alliances they have with the Flemings; and promise that they nor their heirs, nor the kings of England for the time being, shall give or do to the Flemings, present and to come, any aid, comfort or favour, against the king of France, his heirs and successors, nor against his subjects in any manner, and that they make no alliances with the said Flemings in time to come, against the kings and kingdom of France.

XXXIII. Also, it is agreed, that the collations and provisions made of benefices, vacant in time of the war, by one party and the other, shall hold and be good; and that the costs, issues, and revenues, received and levied of any benefices, or other things temporal whatever, in the kingdoms of France and England, by one party or the other, during the wars, shall be quitted on one party and the other.

XXXIV. Also, that the kings above-said shall be bound to cause to be confirmed all the things above-said by our holy father the pope; and they shall be made sure, and strengthened by oaths, sentences, and censures of the court of Rome, and all other places, in the most strong manner that can be; and there shall be obtained dispensations, absolutions, and letters from the court of Rome, for perfecting this treaty, and they shall be delivered to the parties, at farthest within three weeks after the king shall be arrived at Calais.

XXXV. Also, that all the subjects of the said kings, which come to study in the universities, and places of study in the kingdoms of France and England, shall enjoy the privileges and liberties of those places and universities, as well as they might have done before the war, or as they do at this present.

XXXVI. Also, it is agreed, that to the end the things debated and treated of, as above, may be more firm and valuable, there shall be made and given the securities which follow: that is to say, letters (or instruments) sealed with the seals of both kings and their eldest sons, the best that can be made or directed by their council. And the said kings and their eldest sons, and other sons, shall swear, and also those of their lineage, and other great men of their kingdoms, to the number of twenty on each side, that they will observe and

keep, and help in the keeping of the things treated and agreed, inasmuch as shall concern them, and without fraud or deceit, shall accomplish them, without ever doing any thing to the contrary, and without any hindrance of the same. And if there shall be any of the kingdom of England or France, which shall be rebels, and will not agree to the things above-said, the said kings shall use the power of their bodies, goods, and friends to bring such rebels to obedience, according to the form and tenor of the treaty. And farther, the said kings, their heirs and kingdoms, shall submit themselves to the coercion of our holy father the pope, that he may constrain by sentences, censures of the church, and all due ways, him that shall be rebel, according to reason. And according to these establishments and securities above-said, both kings and their heirs shall by faith and oath renounce all wars and contention. And if by disobedience, rebellion, or power of any subjects of France, or any just cause, the king of France or his heirs cannot accomplish all the things above-said, the king of England, his heirs or any for them, shall not make war against the king of France, his heirs, or kingdom; but both together shall endeavour to bring the rebels to true obedience, and accomplish the things above-said. And if any of the realm, or obedience of the king of England, will not render the castles, towns, and fortresses, which they hold in the realm of France, and obey the treaty above-said, or for just cause cannot do that which by this treaty they ought to do, the king of France, nor his heirs, nor any for them, shall make war upon the king of England, or his kingdom; but both together shall employ their power to recover the castles, towns, and fortresses; and that all obedience and compliance may be given to the treaty. And there shall be made and given on both sides, according to the nature of the fact, all manner of security that shall be known, or can be devised, as well by the pope, the college of the court of Rome, as otherwise, holding the peace perpetually, and all the things as above agreed.

XXXVII. Also, it is agreed, that by this present treaty, all others, if any have been made before, shall be null and void, and never be any advantage to either party, nor cause any reproach of one to the other, for not observing them.

XXXVIII. Also, the present treaty shall be approved, sworn to, and confirmed by the two kings, when they shall meet at Calais; and after the king of France shall be gone from thence, and be in his own power, within a month next following he shall make letters patent of confirmation, and send

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and deliver them at Calais to the king of England, and receive such and the like from the king of England.

XXXIX. Also it is agreed, that neither king shall procure, nor cause to be procured, by himself or others any injury or molestation by the church of Rome, or any of holy church, whoever they be, to, or concerning this treaty, towards either of the kings, their coadjutors, adherents, and allies, whoever they be, or their lands or subjects, on occasion of the war, or other thing, or for service of the coadjutors, adherents, or allies of either side have performed; or if our holy father will do it of himself, both kings shall hinder it, as well as they can without deceit.

XL. Also, the hostages that are to be delivered to the king of England at Calais, the manner and time thereof, the two kings shall there direct.

Remarks on  
the treaty of  
Bretigny.

After reading this treaty, the conditions whereof appear so hard for France, a man can scarce forbear representing to himself a triumphant king treading upon the neck of his vanquished enemy, and obliging him to receive what terms he is pleased to impose. Indeed this idea is very just, provided it be not carried too far: but if he adds that of an unjust conqueror exacting from his enemy conditions repugnant to reason and equity, he will doubtless frame a wrong idea of this famous treaty, the terms whereof are more moderate than they appear at first sight: for it must be remembered, that almost all the provinces resigned by France to England, belonged to Edward's predecessors, and that not by conquest or treaties extorted by violence, but by a right of inheritance immemorially received from their ancestors. Never were the kings of France heard to complain that the dukes of Guienne, or the earls of Poitiers, had wrested those countries from them by force. On the contrary, we have seen in the history of the foregoing kings, that Philip Augustus and St. Lewis dispossessed by force of arms John Lackland and Henry III. not only of the provinces in question, but likewise of Anjou, Touraine, Maine, and Normandy. Moreover, the treaty by which they were surrendered to France, was made whilst Henry III. was in captivity to the earl of Leicester. Upon the supposition of these truths, it is easy to perceive the

¶ In the corrected instrument or letters of this treaty, the words "Rest and sovereignty" are always, and in all articles, omitted, in respect to the king of England's enjoying them

in the places which were to be delivered to him, where, in the uncorrected articles and instrument, they are given to him.

foundation

foundation of this treaty : Edward, taking the advantage of favourable junctures, aimed at the recovery of what was before wrested by France from his ancestors. It is true he required moreover Calais, the earldom of Guisnes, and the sovereignty of the provinces he recovered. To explain this article, it must be observed Edward had a right to demand whatever belonged to his predecessors, not to mention now his claim to the crown itself. In this belief, he thought, in leaving to France Normandy, Anjou, Main, Touraine, with the homage of Bretagne, he gave an equivalent for Guisnes, and Calais, and the sovereignty of Guienne. And if to this cession be now added his title to the crown of France, which no doubt he deemed very plausible, since he made it the ground of the war, I do not know whether there will be any great cause to exclaim against the unreasonableness of the treaty. Edward therefore cannot be blamed for being willing to recover Guienne and all its dependencies, without condemning at the same time Philip Augustus and St. Lewis, who took by force the greatest part of that province from his ancestors, and Philip de Valois, who seized the rest before the war was declared, upon the frivolous pretence of Edward's refusing to obey his order, forbidding all his subjects and vassals to harbour Robert d'Artois. If Edward had received that prince at Bourdeaux, there would have been something to object, but his being vassal for Guienne could not rob him of the privilege of acting as king of England. In fine, will it be said, that the kings of France above-mentioned had a right to re-annex to the crown, provinces that were part of the kingdom under the second race? but Hugh Capet granted them in fee to lords, from whom they were devolved to the king's of England by lawful succession : wherefore it can only be said, that Philip Augustus had just cause to confiscate Normandy, Poitou, Maine, Anjou, Touraine, and that Guienne was justly forfeited by Edward III. But all this is much easier asserted, than proved. If a prescription of seventy years is alledged in favour of France, a much longer may be pleaded in behalf of the kings of England, when these countries were taken from them.

In fine, if any one still imagines that Edward performed not his vow, to conclude a peace upon equitable terms, let him add to the foregoing remarks, the consideration of the state of the French affairs at the time of the treaty of Bretigny. King John was prisoner at London, and the dauphin shut up in Paris, from whence he durst not stir. An army of an hundred thousand Englishmen was in the centre of the kingdom, to

which no considerable body of troops could be opposed. Edward was master of many places taken by himself, or his generals, since his invasion. In short, an universal consternation was spread all over the kingdom, from whence the intestine troubles destroyed all hopes of expelling the English. These were very real advantages which Edward actually enjoyed: he might therefore justly hope to become master of all France, and attain the end he proposed in the beginning of the war. What then prevented his improving so favourable a juncture? Certainly it could be nothing else but a willingness to be satisfied with a part, when he might have expected the whole, and with a part which he thought might with justice be taken from France, by whom it was unjustly acquired. It is time now to return to the events which followed the peace of Bretigny<sup>b</sup>.

John is conducted to Calais.

Act. Pub.  
tum. iv.  
p. 219.

and is set at liberty after swearing to the treaty.

He ratifies the treaty when in France.

This famous treaty, negociated in eight days, was approved by both kings. John was conducted to Calais in July<sup>1</sup>, and stayed there four months according to agreement. At his first meal he was waited upon by Edward's four sons, who shewed him all possible respect, pursuant to their father's orders. The four months were spent in drawing up all the necessary acts, as well for explaining as confirming and executing the treaty, that they might be all signed the same day. It was not till the 24th of October that the two kings signed and swore to the treaty at Calais, where Edward came some days before. All matters concerning the treaty being finished, king John was released on the 26th of the same month. Just before his departure, Edward gave him a sensible mark of friendship, in permitting him to carry with him prince Philip his son; taken at the battle of Poitiers. Of all his children this was his greatest favourite: and though of all the hostages in Edward's hands, this was the chief, by reason of his father's affection, he very readily consented he should be one of the ten that were to be freed by the XXIIId article of the peace of Bretigny. The two monarchs upon parting gave mutual tokens of cordial love and esteem.

As soon as John arrived at St. Omer, he ratified by his letters patent and voluntarily swore to all the articles of the

<sup>b</sup> As soon as king Edward received the news of the ratification of this treaty by the dauphin, regent of France, he raised his camp from Bretigny, and marching to Calais, came over to England, and landed at Rye, May 18. Da Chesne. Rymer's Fœdera, tom. vi. p. 196.

<sup>1</sup> A sufficient fleet was equipped for that purpose, under the command of sir John Beauchamp: king John was attended to Calais by prince Edward, the duke of Lancaster, and many other noblemen; they arrived there on July 29. Ibid. p. 198.

treaty of Bretigny. By that he shewed no violence had been used to oblige him to swear at Calais. The rest of his behaviour was agreeable to this first step. He shewed upon all occasions that his intention was to perform his engagements, and at last gave the most sensible proof of it, by putting Edward in possession of the countries resigned to him. There was only some difficulty concerning the earldom of Gaure in Gascoigne, and the territory of Belville in Poictou, about which the two kings could not agree.

The peace between the two crowns appearing thus firmly established, Edward sent sir John Chandos into France, to command in his name in the countries belonging to him, with the title of Lieutenant-general. He could not make a better choice<sup>k</sup>. Chandos was one of the most accomplished lords then in England, which is no small commendation, considering the time. As affable and temperate in peace as he was brave in war, he was a subject every way qualified for such an employ. As the king designed to gain the affection of his new subjects, he had taken care to send them for governor a person whose prudence was extremely proper to produce that effect. Moreover, he settled upon him a very considerable salary, which enabled him to keep a splendid court at Niort, in Poictou, where he resided; and invested him with power to pardon all sorts of crimes, that both by his outward lustre and the distribution of his favours, he might procure for his master the love of the newly conquered people.

When Edward saw he was like to enjoy a lasting peace, he restored to the alien-priorities<sup>l</sup> the lands taken from them twenty years before, towards the charges of the war. A thing very uncommon, to see princes freely make restitution of what they have once acquired.

The plague still raged in England this year. Among the rest, it deprived the kingdom of the duke of Lancaster, the most esteemed of all the English lords. He was commonly called the Good Duke. Accordingly, his death was extremely lamented. He founded the collegiate-church of Leicester,

<sup>k</sup> He behaved so bravely in the battle of Poitiers, that the king, for a reward of his good service, granted him two parts of his manor of Kirketon in Lindsey. Rymer's Fœdera, tom. v. p. 874.

<sup>l</sup> There were two sorts of priorities.

such as were independent like the abbays, and such as depended upon some great abbey, from which they received their prior. When the convent to which any priory belonged was beyond sea, it was stiled an alien priory.

and in the same place an hospital for three hundred poor men, which still subsists to this day <sup>m</sup>.

Marriage of  
the prince of  
Wales.  
Walling.

The prince of Wales, who had not thought of marrying during the war, took this peaceable time to espouse Joanna of Kent, his cousin, countess dowager of Holland. This princess was daughter of Edmund earl of Kent, beheaded in the beginning of this reign, by the intrigues of queen Isabella and Mortimer. She was commonly called Joanna the Fair, by reason of her great beauty.

1362.  
Edward  
makes Gui-  
enne a prin-  
cipality.  
Act. Pub.  
p. 384.  
Walling.  
Knighton.

The next year, the king being pleased to give public marks of his esteem and affection for the prince his eldest son, who had raised to so great a height the glory of the English name, erected for him the duchy of Guienne into a principality, under the name of the principality of Aquitaine. Then he solemnly invested the prince with it, obliging him only to pay yearly, in lieu of all service, an ounce of gold to the crown of England <sup>n</sup>.

Act. Pub.  
to be in En-  
glish.  
Walling, Id.

Edward spent the rest of the year in making several wise regulations with his parliament, concerning domestic affairs <sup>o</sup>. Such, for example, was the decreeing that for the future, in the courts of justice, and in all public acts <sup>p</sup>, the English language should be used instead of the French or Norman, introduced by William the Conqueror.

A general  
pardon.

In this parliament the king declared, that having attained to his fiftieth year, he would have it solemnized as a sort of jubilee. To that end, he granted a general pardon for all offences whatever, treason itself not excepted <sup>q</sup>; he confirmed

<sup>m</sup> He and his father both lye buried in that church: he styles himself in his will, duke of Lancaster, earl of Derby, Lincoln and Leicester, &c. Knighton, who lived in that age, says: Henry duke of Lancaster, "was the first founder of the collegiate church and hospital without South-gate at Leicester, in which he placed a dean and twelve canons prebendaries, as many vicars and other ministers, one hundred poor and weak men, and ten able women to assist the sick and weak, and sufficiently endowed the hospital." It still in some measure subsists by certain stipends paid out of the duchy of Lancaster, together with divers new charities. *Comd. in Leicest.*

<sup>n</sup> So he was prince of Wales, and of Aquitaine, duke of Cornwall, and earl of Chester and Kent; this last in right of his wife.

<sup>o</sup> This parliament met at London, October 13. and granted the king twenty six shillings and eight-pence on every sack of wool for three years, besides the former subsidy of wool selle, and skins. *Cotton's Abridgm. p. 92.*

<sup>p</sup> This statute ordained only, that all pleadings and judgments in the courts of Westminster, should for the future be in English, whereas before they were wont to be in French. As for other public acts, such as statutes and the like, it does not appear they were writ in French till about the time of Edward I.

<sup>q</sup> It is likewise said that the custom of our kings, who upon Maundy Thursday wash, feed, and cloath as many poor as they are years old, had it's rise from this jubilee of king Edward. *Pol. Virg. Lib. 19.*



also Magna Charta, which was confirmed ten several times in this reign.

After Edward had performed what he thought necessary for the public, he was pleased likewise to do something for his family, by creating Lionel, his third son, duke of Clarence : John of Gant, his fourth son, duke of Lancaster : and the fifth, called Edmund, earl of Cambridge. In fine, after establishing the staple of wool at Calais, he spent the rest of the winter in entertainments and diversions. He took a progress into several counties, attended by the principal nobility, and the French hostages, who partook of all the recreations which the people strove to divert their sovereign with.

In the beginning of the year 1363, the prince of Wales departed for his government of Aquitaine. He resided at Bourdeaux, where he kept a royal court, beloved and respected by all his subjects, who were very happy in being governed by so great a prince.

This year was remarkable for king John's return into England, where it is pretended he came to yield himself prisoner again, to atone for the fault committed by the duke of Anjou, his second son, in withdrawing from Calais without leave. At least, this is the reason generally given of that extraordinary proceeding. Some add, he had a mind to confer in person with Edward about the crusade, of which he was declared general by the pope. There are historians, who have not scrupled to advance a much less noble motive of his return. They pretend, his passion for the countess of Salisbury was the real cause of his journey, to which other motives served for pretence. But this is a romantic notion, without any foundation. Whatever enquiry has been hitherto made, the real occasion of this prince's return is still a secret. That of love is the most unlikely ; and that of repairing the fault of the duke of Anjou, though adopted by the generality of historians, is, I think, groundless. To clear this matter, it will be necessary to relate some particulars which belong to the history, and which I have reserved for this place, though they were transacted between the treaty of Bretigny, and the time I am now speaking of.

Among the thirty hostages in the hands of Edward, besides the burghers of several cities, there were four princes of the blood ; Philip, duke of Orleans, king John's brother ; Lewis, duke of Anjou ; John, earl of Poitiers, afterwards

Edward confers titles on his sons. Id.

1363.  
The prince of Wales goes and keeps his court at Bourdeaux. Walsing. Froissart.  
King John returns to England. Act. Pub. vi. p. 430.  
Pretended reasons of his return. Froissart. Mezerai.

\* This is asserted only by sir Richard Baker, and some other moderns.

duke of Berry; and the duke of Bourbon. These four princes, commonly stiled, The Lords of the Flower-de-Luce, being tired of England, sought all possible means to return into their country. This however was no easy thing, since upon these four hostages Edward chiefly relied for the full performance of the treaty of Bretigny; and particularly for the payment of king John's ransom. Nevertheless, by their solicitations, they agreed with him for their liberty, upon the following terms: I. That the king should release these four princes, provided, that before the first of November, the territory of Belville, and earldom of Gaure were resigned to him, with two hundred thousand florins. II. That before the departure of the princes, certain lands in Poitou should be given him for pledge. III. That in case the first article was not executed by the time agreed on, the lands given in pledge should remain to the king for ever, and the four princes be obliged to surrender themselves in hostage as before. There were some other articles, but of no use in clearing this fact. John ratified the agreement, and the four hostages were conducted to Calais, where they continued upon their parole, till the execution of the first article. They had liberty to go out of the town whenever they pleased, and even to stay away three days, provided they came and lodged within the walls on the fourth. It appears by Edward's letter to the prince of Wales, in the Collection of the Public Acts, that the agreement was not executed, and thereby the princes despaired of recovering their liberty so soon. The duke of Anjou, more impatient, and less scrupulous than the rest, took advantage of his permission to go out of Calais, to make his escape, and returned no more. Four other less considerable hostages followed his example. This is the foundation of the assertion that king John came and surrendered himself prisoner at London, to repair the fault of the prince his son. But as nothing in the Collection of the Public Acts gives the least hint, that this was the motive of his voyage, there is great reason to question it. Besides, king John was not obliged to take such a step, even tho' all the hostages had made their escape; his whole engagement consisting only in sending the same hostages, or others of the like quality in their room. Now is it not said, that the duke of Anjou absented

\* P. Daniel says, the dauphin hindered these articles of agreement from being executed. Rapin.

† See article XVII. of the treaty of Bretigny.

himself

himself from his father's court, and consequently it was easy to send him back. In short, if John returned to London as a prisoner, he would thereby have freed all the hostages, since they were detained only as security for the payment of his ransom. All the rest of the articles of the treaty of Bretigny were executed, except that relating to Gaure and Belville, which required not so great security. And yet, during John's three months stay at London, there was no talk of releasing hostages. Froissart, whose testimony is urged, does not say, John surrendered himself prisoner again, but only that one C. 220. of the motives of his voyage was to excuse, and not to repair, the duke of Anjou's fault. These are the historian's own words: "I was then informed, and true it was, that king John purposed and desired to go and see king Edward, his brother, in England, and could not be dissuaded from his purpose, though he was sufficiently advised to the contrary: and being told by several barons and prelates, he was going to commit a great indiscretion, he replied, he had found so much honour in the king of England and his sons, that he did not question their proving his true and faithful friends on all occasions; and moreover, he had a mind to excuse the duke of Anjou his son, who was returned into France." Here is nothing importing, that John returned to England to yield himself prisoner, and therefore it is plainly a groundless assertion. As for the third motive, namely, his desire to confer with Edward about the crusade, it is much more probable. But after all, this is only a conjecture, which cannot be entirely relied on.

When Edward heard, John was landed at Dover, he sent his sons, with a great retinue of nobles, to receive him, and conduct him to London, where he paid him all the respect due to his rank and merit. The kings of Scotland and Cyprus, who were then in England, made his reception the more splendid. The former was come to pay Edward a visit, and the latter to desire his aid against the infidels. Upon so uncommon an occasion, Edward took a pleasure in entertaining his illustrious guests, with all possible magnificence, and with all the diversions he could think of. The mayor of London made a splendid entertainment for the four kings, in the name of the city. The sumptuousness of sir Henry Picard, citizen and shine-merchant, ought not to be passed over in silence. He invited all the four kings, with their retinues, to a feast at his

John is honourably received in England. Froissart. c. 221. Knighton.

Sumptuousness of a wine-merchant. Stow's survey.

1364.  
Death of  
king John.  
Froissart,  
ibid.  
Walsing.  
Knighton.

his own house", where they were magnificently entertained. King John was lodged in the palace of the Savoy, as before, and treated at the king's expence. About the middle of March, three months after his arrival at London, he was seized with a distemper of which he died the 8th of April 1364, to Edward's great grief, who had a singular esteem for his virtue. There is ascribed to this prince a saying, worthy to be had in eternal remembrance: "Though faith and truth were banished from the rest of the world, they ought, however, to be preserved in the mouth of kings." It is pretended, this was said on the occasion of his returning into England; but it may, with much more likelihood, be ascribed to his sincere performance of the treaty of Bretigny, in spite of the obstacles, thrown in his way by some of his counsellors. Charles V. his successor, followed not the same maxims.

Battle of  
Avray,  
which put  
Montfort  
in possession  
of Bretagne.  
Froissart.  
l. i. c. 229.  
Walsing.  
Knighton.

Edward's good fortune not only shed its influence on himself and his subjects, but also on his allies. This year, John de Montfort, his son-in-law, won the famous battle of Avray, against Charles de Blois his competitor, who was slain. This victory decided the quarrel between the two houses, who were contending for the duchy of Bretagne, and produced the treaty of Guerande, whereby Bretagne was assigned to John de Montfort, who did homage for it to the king of France. Bertrand du Guesclin, who served Charles de Blois, and became afterwards very famous, was taken in the battle by sir John Chandos, general of the English troops in Montfort's service.

1365.  
Exploits of  
some Eng-  
lishmen in  
the East.  
Fortune of  
Thomas  
Hackwood.  
Walsing.

The English name was then famous in all parts of the world. Some gallant Englishmen who had attended Guy de Lusignan, king of Cyprus into the east, performed wonders, and returned loaded with honours and riches taken from the

"Which stood over against St. Martin's church, at a place called the Vintry. Barnes. p. 637.

"Knighton says, that king John on his death-bed confessed to Edward, that he had confederates in London and elsewhere, who secretly collected the finest gold of the kingdom, made it into plates, and sent it in barrels to France, with great quantities of bows and arrows, &c. and that he had unjustly withheld the crown of France from him, till the peace of Bretigny. For all which, upon his request, Edward entirely forgave him, and caused

the gold and arms to be seized. But this seems to be an improbable and malicious story, inconsistent with the character of this prince, who was deemed one of the bravest, and most liberal and sincere princes of his time. His body was carried into France, and buried at St. Denys.

\* This battle was fought on Septemb. 29. King Edward made the pursuit at arms, who brought him the news of this victory, a herald by the name of Windsor, which title continues to this day, Froissart. l. i. c. 229. Tytel.

**Infidels.** At the same time, Thomas Hawkwood an Englishman, who departed from England a journeyman taylor, taking afterwards to arms, signalized himself in the Italian wars, by his valour and conduct, which raised him to the highest posts. He gained such honour and reputation for restoring in those parts military discipline, which was almost entirely lost, that after his death the Florentines erected in their city, a black marble statue, in memory of the services he had done them. John Chandos and Robert Knolles distinguished themselves likewise in a very singular manner, in all Edward's wars with France. The fame of the English not only reached beyond the Alps, but flew also over the Pyrenean mountains, as we shall see presently.<sup>2</sup>

Edward's great acquisitions in France made pope Urban VI. think the present juncture very proper, to demand the tribute promised by king John Lackland to the Roman

1366.

Urban IV. proudly demands the arrears of his tribute. O. Raynold,

When upon the delivery of the towns to the French king by the treaty of Bretigny, the officers and soldiers were ordered to depart, some English, and many more Germans and Flemings, refused to obey those orders; and being resolved to maintain themselves by war, great numbers of common soldiers of all nations flocked to them, and increasing to sixteen thousand men, ravaged France in a miserable manner. At length dividing themselves into two bodies, one part marched to Avignon, and by their ravages grew so formidable to the pope that he had published a crusade against them; but that coming to nothing, he engaged the marquis of Montserrat to hire these adventurers, to assist him in his wars against the viscount of Milan. The marquis accordingly treated with their captain sir John Hawkwood an Englishman, and agreeing with him, Hawkwood went with his men into Italy, to the great

joy of the French king. Hawkwood was a tanner's son of Essex, and being bound apprentice to a taylor in London quitted his trade, and went a soldier into France, where he was knighted for his valour, and going into Italy (as was said) was so much in favour with the duke of Milan, that he gave him his natural daughter in marriage. After the duke's death, he served the commonwealth of Florence, and performed such great actions for them, that dying in their service, they erected a monument for him in the cathedral of that city. The translator serving as chaplain to sir Charles Wager, in the late expedition to Italy on Don Carlos's account, and being at Florence, took particular notice of this monument. He is painted on the wall of the church on horseback in armour, the whole of a green colour, with these two lines under his horse's feet.

*Johannes acutus eques Britannicus, dux suae aetatis  
Cautissimus, et rei militaris peritissimus, habitus est.*

And underneath at a little distance these words;

*Opus Pauli Ucelli.*

<sup>2</sup> A parliament met this year at Westminster, on Jan. 22. wherein the second statute against provisors was enacted. Rot. Parl. 38. Edw. III. N. 1.

2. Cotton's Abridg. p. 100. Which occasioned the pope's demanding the arrears of his tribute.

church,

The parliament declares king John's engagement to be void.  
Rot. Parl.  
40 Edw. III.  
N. 3—8.

Affairs of  
Castile.  
Froissart.  
Mentel.

church, and of which there was thirty years arrears due. In this belief he requires the payment, but with so much haughtiness, that he even nominated commissioners to summon Edward before him in case of refusal. The king's great spirit not brooking such haughty proceedings, he caused the pope's demand to be laid before the parliament, where it was declared, "That the king of England, had not power to bring his realm in such servitude, without the consent of parliament: that, if necessity forced king John to such a proceeding, his engagement was null, as being contrary to his coronation-oath." This august assembly, not content with so particular a decision, came also to this vigorous resolution: "That, if the pope should attempt by any means whatever, to prosecute his unjust pretensions, the nation should with all their power oppose him." The firmness of the parliament caused the pope to desist, and had not only a present effect, but prevented the kings of England from being ever after troubled, upon that subject.

The prince of Wales lived three years in Guienne without exercising his valour, and even without any prospect of doing it a good while. On a sudden he was drawn out of this state of tranquillity, by the solicitations of Peter king of Castile, surnamed the Cruel, who was lately expelled his dominions. Never did prince give his people greater cause of discontent. Cruel to excess, and of an unbounded avarice, he illegally put to death his great men, with the sole view of confiscating their estates. He minded only gratifying his passions, without any regard to honour or conscience. His barbarity was grown to that height, that he poisoned Blanche de Bourbon his wife, sister to the queen of France, to marry Maria de Padilla, whom he had long kept as his mistress. Of his five bastard-brothers, the eldest had lately been sacrificed to his suspicions, and the other four were in danger. Henry earl of Trestamare, one of the brothers, seeing himself every moment threatened with the same fate, rebelled against Peter, and engaged in his quarrel the king of Arragon, with the principal Castilian lords, who could no longer bear the tyranny of their sovereign. His enterprize being at first unsuccessful, he was repulsed by the tyrant, and forced to fly to the king of France, who promised him aid. Besides his desire to revenge the death of the queen his sister-in-law, Charles was glad to find employment for a great number of idle soldiers, who, since the late peace, swarmed in France, and committed great disorders.

bers<sup>b</sup>. With that view, he raised for Henry's assistance an army, the command whereof he gave to John de Bourbon earl of Marche, the queen's cousin-german, and was pleased that du Guesclin, whose ransom he paid to Chandos, should be of the expedition.

With these troops, and the assistance of the Castilians, Henry marched through Arragon into Castile, where the tyrant saw himself immediately forsaken by all his nobles, except one single knight. The defection putting it out of his power to withstand his brother, he would have retired into Portugal, but was denied entrance. In this distress, he chose to go out of Spain through Bayonne, from whence he repaired to Bourdeaux, to implore the aid and protection of the prince of Wales. If the young hero had reflected on the unworthiness of the prince who desired his assistance, he would doubtless have refused his request: but considering only the honour of restoring a deposed king, and perhaps weary of an unactive life, he undertook to replace him on the throne. To that end, he levied an army of thirty thousand men, and marched at their head towards Spain, loaded with promises<sup>c</sup> from the Castilian, and big with expectation of gathering fresh laurels<sup>d</sup>. As he had no other way to enter Castile but through Navarre, he had taken care to secure a passage, by a treaty with the king of that country<sup>e</sup>: So he marched without opposition to the frontiers of Castile. Henry, who was now crowned at Burgos, receiving advice of the march of the English prince, advanced towards Navarre with a powerful army, to oppose his passage. He might very possibly have executed his design, considering the superiority of his forces, had he been so wise as to avoid a battle. This the prince of Wales was most apprehensive of, and therefore to provoke him, sent

Peter the Cruel expelled his dominions Froissart. Walsing.

He desired the aid of the prince of Wales, who undertakes to restore him. Knighton.

A. A. Feb. vi. p. 512, &c.

1367: He marches towards Castile. Walsing.

A. A. Feb. vi. p. 554. Froissart.

<sup>b</sup> These were the other body of disarmed soldiers mentioned in the note above, who remained in France, and called themselves the companions. They routed the dukes of Orleans and Anjou, under the command of Sir Nicholas Dagworth, son of Thomas Dagworth, treacherously slain in Bretagne several years before. As they were most English, the king of England was desirous to restrain them by his authority, who calling them home by proclamation, they replied, as they held nothing in England of the king, so neither for him, nor any one else, would they leave their garisons and livelihood, got with so much labour. Walsing.

<sup>c</sup> He engaged to pay fifty-six thou-

sand florins for the wages of his army, and left his three daughters pledges for the money; he transferred also by his charter the castles of Vermejo, Lequitio, Balbao, and Ordiales, with the province of Biscay, to prince Edward and his heirs for ever, wholly discharged of all sovereignty and resort. Rymer's Fœd. tom. vi. p. 512, 521, 559.

<sup>d</sup> It must be observed that he had by private messengers drawn off the companions (now commanded by Sir Hugh, Calverly and Sir Robert Knolles) from the service of Henry, and they were in his army to the number of twelve thousand. Walsing.

<sup>e</sup> And by engaging to pay him twenty thousand livres. Froissart.

him

Battle of  
Nejara.  
Froissart,  
l. i. c. 239.  
Walsing.  
Kpighton.

him a very insulting defiance, which Henry could not forbear to accept. The two armies approaching each other, the battle was fought near Nejara, a little town on the frontiers of Castile. As the fields of Cressy and Poitiers had seen the prince of Wales perform wonders, that of Nejara was likewise witness of his heroic actions, which after a long struggle, made victory incline to his side. The Spanish army reinforced with a strong body of French troops, was entirely routed. Bertrand du Guesclin, with the marshal d'Endreghen, were taken prisoners. Henry having no refuge left in Castile, after the loss of his army, retired into Arragon, from whence he repaired to Languedoc, to implore the aid of the duke of Anjou the governor.

Peter  
thanks the  
prince for  
the victory.  
Aët. Pub.  
vi. p. 531.  
1368.

Peter was at first so grateful, that presently after the battle, he threw himself at the prince of Wales's feet, to thank him for restoring him to his kingdom. The prince of Wales lifting him up, and holding him in his arms, said, "It was to God alone he was indebted for the victory, and not to a prince who was only a weak instrument in his hand." The consequence of this good success, was the restoration of Peter to his throne. It was now time for that prince to think of performing his promises, and rewarding the brave soldiers, who had ventured their lives in his service. But as he was no less perfidious than cruel, after long feeding them with hopes of provisions and money, he repaid them back with black ingratitude. Want soon bred among the soldiers a mortality, which swept away great numbers, and the fear of losing the rest obliged the prince, who saw himself basely amused, to retire extremely dissatisfied. He was even forced to sell his plate, to provide for the more pressing occasions of his army, till he could entirely satisfy them. But this was not all the mischief caused by this fatal expedition: during the prince's stay in Spain, he contracted a distemper of which he never recovered.

But repays  
him with  
ingratitude.  
The prince  
returns to  
Guipone.  
Froissart,  
l. i. c. 238.

Catastrophe  
of Peter.  
Ib. c. 240.

Thus ended the enterprize of the prince of Wales; an enterprize glorious indeed, if the success only be considered, but not very honourable as to the cause he espoused, since it was solely to restore to the throne the basest of princes. Heaven afterwards took care to revenge the English and Castilians. Du Guesclin paying his ransom, went and joined Henry again, and both together endeavoured with the assistance of France, to bring a fresh army into the field. As soon as they were ready, they re-entered Castile, and made so great a progress, that they were soon in condition to besiege Toledo. Peter flying to the relief of that city, was defeated, and forced to retire



to the castle of Montiel, where he was immediately invested. As he saw his case to be desperate, he resolved to go to Du Guesclin in his tent, imagining he would procure him tolerable conditions, or help him to make his escape. Unhappily for him, he found Henry his brother there. The two princes falling first to reproaches, and then to blows, Henry threw his brother to the ground, and stabbed him with his dagger. After that he caused himself to be once more acknowledged king of Castile, without any opposition.

Edward III. has appeared hitherto on the theatre of the world, as one of the most glorious of princes. If he had finished his course before the revolution I am going to speak of, perhaps it would have been difficult to find an instance of a more fortunate reign. But his latter years will present us with a very different scene from those we have seen. Fortune grew weary of favoring this monarch in his old age, after caressing him so much in his younger days. She robbed him before his death of all his glorious conquests, which were purchased so dearly, and these losses were attended with many other vexations. This is what remains to be considered in the sequel of this reign.

Lionel duke of Clarence, Edward's third son, being contracted to Violante daughter of John Galeazzo duke of Milan<sup>f</sup>, went to consummate his marriage, with a splendid retinue, and many young noblemen who attended him to do him honour. For some time there was nothing but entertainments and diversions, which were daily renewed in favour of a prince whose alliance was so honourable to the duke of Milan. These diversions, so lavishly procured him, hastened his end. Five months after his marriage, he died at Montferrat, in the thirty-second year of his age. By his first marriage with the sole heiress of the earl of Ulster in Ireland, he left a daughter called Philippa, of whose posterity I shall have frequent occasion to speak hereafter<sup>g</sup>.

Edward's trouble for the loss of his son, was quickly followed by another, of which he was no less sensible. The treaty of Bretigny was so disadvantageous to France, that

<sup>f</sup> He had with her one hundred thousand florins of gold, and the cities of Mondovi, Alba Pompeia, Clarafchi, and Cunci, with their territories and appendances. Rymer's Fœd. tom. vi. p. 547.

<sup>g</sup> He was buried at Paris, and afterwards brought over into England by

Thomas Newborn, Esq. and others, and interred at Clare in Suffolk, in the convent church of the Augustin friers, near his first wife Elizabeth de Burgh. His young widow Violante, was married to Otho Palæologus, marquis of Montferrat, stabbed afterwards by an hostler.

Difference between the end and beginning of Edward's reign.

Prince Lionel's second marriage. Froissart. A.D. Pub. vi. p. 547. 564.

He dies in Italy. Walsing.

1369. Charles V. forms the design of breaking the treaty of Bretigny. Froissart. Walsing. Mezerai.

Charles V. who had himself made it, probably consented to it only with intention to break it the first opportunity. The French were no better disposed. This quickly appeared in all the difficulties raised by them when the resigned provinces came to be delivered to the king of England. King John was the only person that acted with sincerity; and it was he, that by his own authority prevented these obstacles from being carried too far. Charles his son and successor, whom the French surname the Wise, was not of so scrupulous a temper. He was no sooner on the throne, but he tried to evade what remained unexecuted of the treaty. He even neglected to do Edward justice upon the duke of Anjou's escape, nor delivered up the earldom of Gaure. The judgment upon the affair of Belville, referred to arbitrators, was delayed on several pretences. King John's ransom was not paid; or if Charles paid any thing after his accession to the crown, it was but a small part in respect of what was yet due. Mean time Edward, who had still in his hands the dukes of Berry and Orleans, and several other hostages, could not imagine, that Charles thought of renewing the war, and believed his inability to be the only cause of all these delays. Affairs proceeded thus slowly from the death of John, till his successor was able to take just measures to accomplish his designs. He ever pretended a willingness to complete the execution of the treaty; and, under colour of paying his father's ransom, to which he was bound, he heaped up money very liberally supplied by the states, well knowing for what it was intended. With this supply he engaged several German princes in his interest; and when he thought matters ripe, sought a pretence to break with England.

Edward disgusts the lords of Guienne. Act. Pub. vi. p. 496. Charles promises to protect them.

When Edward was meditating a war with France, he believed it proper to attach to his service the principle lords of Guienne, by several grants which he revoked immediately after the peace. This proceeding so exasperated these lords, that they wanted only a favorable opportunity to show their resentment. In all appearance, they would have long waited in vain, if Charles had not given them private intimation that they should be supported. As soon as they were sure of his protection, nothing was wanting but a pretence to complain; and they were not long without having one, which to them seemed sufficient to authorize them to throw off the mask. The prince of Wales having laid upon Guienne a tax [called feuage or chimney-money] in order to pay the arrears due

The prince of Wales lays a tax on Guienne.

due to the troops levied for the Spanish war<sup>h</sup>, inadvertently furnished his enemies with the desired occasion to declare themselves. The lord d'Albert, the earls of Armagnac, Comminges, Perigord, and Carmain, encouraging their vassals to complain of the new tax, received their complaints, brought them to the prince, and addressed him upon that subject. Their remonstrances were ill received, both because the prince was in want of money, and by reason of the haughtiness wherewith they were made. This was precisely what the lords wanted. On pretence they could not have justice from their prince, they applied to the king of France, whom they supposed to be still sovereign lord of Guienne, and prayed him to grant them letters of appeal to his parliament. Charles not thinking proper to declare himself yet, cherished this disposition, and in the mean time kept them at Paris. The journey of the lords, and their long stay at the court of France, gave the prince of Wales some suspicion. He writ letter after letter to the king his father, to warn him that something was contriving at Paris against him; but these warnings were to no purpose. The king and his council, imagining that the warlike prince, tired with an idle life, sought occasion to renew the war, were regardless of his remonstrances.

Whilst Edward relied on the sincerity of the French, his son's distemper daily growing more dangerous, turned at last to a real dropsy. The prince's ill state of health, and the king his father's infirmness, hastened the resolutions of the king of France. As he saw there could not be a more favorable juncture to execute his designs, he granted the Gascon lords the letters of appeal they required; pretending, notwithstanding his oaths, and all his father's resignations and renunciations, that he was still sovereign of Guienne. He built his pretensions upon Edward's not having sent his renunciations to the crown of France, pursuant to the treaty of Bretigny. But that renunciation being only a consequence of the full performance of the treaty, Edward did not think himself, as indeed he was not, bound to make it, till the whole was executed. However, he had absolutely quitted the title of king of France<sup>i</sup>; a clear evidence that he had no ill intentions. Besides, Charles himself had not been more punctual to renounce

<sup>h</sup> At one livre a chimney, this tax would have mounted to twelve hundred thousand livres a year. Froissart. This tax was laid on by the consent of the estates of Guienne assembled in parlia-

ment; and was to last only five years, Ibid.

<sup>i</sup> And ceased to quarter the arms of France with those of England.

Charles summons the prince of Wales. His answer Froissart. l. i. c. 210. 241, 242.

Charles pretends the treaty of Bretigny is void.

He proclaims war. Id. c. 246.

Remarks on this capture.

the provinces yielded to England by the treaty of Bretigny. These reciprocal renunciations were considered as the seal of the treaty, after the two kings should be satisfied concerning the execution. However that be, Charles used that pretence to summon the prince of Wales before the court of peers, to answer for his pretended tyranny upon the people of those provinces<sup>k</sup>. The prince's high spirit not suffering him to bear this affront without showing his resentment, he replied, he would not fail to appear, but it should be at the head of sixty thousand men. Mean while Charles was amusing Edward, by expostulating with him, as if he was desirous the affair should be put in negotiation. Edward answered by giving words for words, not imagining they really designed to dispute his sovereignty of Guienne, so clearly settled in the treaty of Bretigny, and much less that France was able to renew the war. But he preposterously flattered himself. It was not the sovereignty of Guienne only that Charles designed to dispute; he pretended moreover that the treaty of Bretigny was void, because Edward had not prevented certain plunderers<sup>l</sup> that came out of his dominions from entering France, and because he had not evacuated all the towns that were to be restored. On these pretences he ordered war to be proclaimed by a squire, because the prince of Wales had seized those that brought him the summons. Shortly after, he published an edict confiscating all the lands held by the English in France, and annexed them to the crown.

The praises bestowed on this prince by the French writers for so wisely making use of the junctures that offered to recover his dominions, deserve some reflection. It is true, he acted with prudence, if sincerity and honesty are to go for nothing. The success his conduct was crowned with, freed France for a time from her unfortunate state. But if we consider it closely, this prudence is real perfidiousness. For even supposing Edward had not executed any one article of the treaty, his non-performance did not give Charles a right to proclaim war against him. The king his father and himself had expressly renounced, with an oath, all violent methods in case of non-execution. Besides, he had not himself performed all the articles of the treaty; so that all he could reasonably demand was a compensation. But it was an open repudiating of good faith, to annul the whole treaty, on pre-

<sup>k</sup> This citation is dated at Paris. Jan. foregoing note, and which were sent away by prince Edward some time after.

<sup>l</sup> The companions mentioned in his return from Spain.

tence that some articles remained still to be performed by England, when he himself left several unexecuted. Moreover, his pretences of a rupture were so frivolous, that the French historians not being able to relate them precisely, confine themselves to generals, without mentioning particulars. The most plausible pretence alledged by Froissart, is this, "The prince of Wales not having wherewithal to pay the troops lately returned from Spain, six thousand men disbanding themselves, and afterwards joining again, committed great ravages in Guienne. The prince desiring them to depart his dominions, they threw themselves into the neighbouring provinces of France, and plundered them unpunished, the French not being able to hinder them." Supposing Froissart relates the truth, it was not now practicable for the prince of Wales to go into France and quell these roving plunderers, who had entered that kingdom. It appears however, he did all that lay in his power, since he imposed on his dukedom the feuage-tax, in order to pay his troops. But Charles made this very tax a pretence for a rupture, whence it is evident he only sought an occasion of quarrel. The same historian says further, that Charles ordering the treaty of Bretigny to be examined in his council, the chief debate ran upon the article, whereby the two kings renounced all violent methods in case of non-execution. He adds, he was advised upon that foundation to proceed to a rupture, because Edward never ceased to make war upon France. But he does not say, how or where, neither mentions any particulars. However, from what that author relates, it is very easy to infer, that before the treaty was examined, Charles had resolved upon war, and that the examination, was only made to find some pretence. Mezerai says, the occasion of the rupture was, Edward's not withdrawing all his troops out of the kingdom; but does not name any one place where these troops remained. Thus it is manifest, the French authors were at a loss what to alledge.

From what has been said, it may be easily concluded, that Charles's wisdom was not a very scrupulous virtue; whether he signed the treaty with an intention to break it, or formed not that design till a favorable opportunity offered. It is therefore the effect, and not the cause, which made this prince's conduct to be so much admired. Had he been as unsuccessful as he was fortunate, he would again have thrown France into a gulph of misery, and thereby justly incurred the blame of the whole world, and, doubtless, of those very writers who have given him so great commendations,

State of affairs between the two crowns.

Before I enter upon the particulars of this second war, it will be necessary to consider, how matters stood between the two crowns, at the time of the rupture. The French complained, Edward had not ceased to make war against France, nor withdrawn all his troops out of the kingdom, pursuant to his engagements. But these are general complaints, containing no particular fact. Besides, it is not very likely, that Edward, to whom this treaty was so advantageous, would have furnished France with a pretence to break it. The treaty itself shows, the English monarch's engagements were inconsiderable, in respect of the advantages he reaped by it. This gives occasion to presume, that being a prince of great abilities, as all must own, he could not be so unwise as to raise any obstacles himself against the execution of so advantageous a treaty. As for the pretended injury done the Gascons by the prince of Wales, it is evident from the treaty, that Charles had no right to interpose.

It was not the same with respect to the English, whose complaints appear much more just. It is true, king John, whose sincerity can never be too much commended, performed the treaty to the utmost of his power. He was no sooner returned into his dominions, but he ratified every article separately, by particular acts. Then, not content with the swearing himself to the observance thereof, he obliged the dauphin his son, who was to succeed him, to take the same oath. So, all defects in his engagements, by reason of his captivity, were removed by his ratifications, when at full liberty in his own territories. Performance was a still more authentic confirmation than promises or oaths. He put Edward in possession of the lands resigned by the treaty, without any reserve, and particularly those held of Guienne. If he had not meant to give up the sovereignty with the lands, it is not credible that he and the prince his son, should make no exception of that sovereignty, either in the treaty itself, or in any of the ratifications of each particular article. At least they would not have neglected to make a protestation, when Edward erected Guienne into a principality, and invested the prince his son, without the participation of France. Indeed, there was a dispute between the two kings concerning two inconsiderable territories, but not to quarrel for such a trifle, the matter was put to arbitration. As for the ransom, king John's inability was the sole cause of his not paying it at the time appointed. Edward was so well satisfied of that prince's sincerity, that he made no scruple to prolong the time of payment, in order to give him some respite. This  
moderation

moderation was the reason why at the time of king John's death, there remained still to pay two hundred thousand crowns of the first million. Moreover, in expectation that John, or the dauphin his son, would pay him in time, Edward was not so strict with regard to the hostages as he should have been. I have observed he readily consented, that prince Philip, afterwards duke of Burgundy, should be one of the ten to be released by the XVIIth article of the treaty, though it was in his power to give one of less distinction. All the rest had in England all the liberty they could reasonably desire. The Collection of the Public Acts is full of licences granted them, to go and take care of their private affairs in France. The duke of Anjou, the earls of Grandpré and Brenne, the lords of Clare and Derval abused that favour, and all Edward's instances could not procure him the least satisfaction upon that article.

How the French hostages got out of Edward's hands, A.G. Pub. vi. p. 396; 398, 419, p. 411; 453.

The duke of Orleans, by the grant of certain lands to Thomas of Woodstock, the king's son, procured his own with the freedom of Aldresfel one of the prisoners.

Froissart, A.G. Pub. vi. p. 396.

The duke of Bourbon having opportunity to do the king some service with the pope, was set at liberty, on payment only of twelve thousand crowns, given by the prince of Wales to the person that took him at Poitiers.

The affair of Belville being put to arbitration, Edward relying on the sincerity of the French, and the justice of his cause, made no scruple to enter into an engagement to which he was not obliged. He was pleased, even after the duke of Anjou's escape, to promise to release the duke of Berry, and the earl of Alençon, in case the point was decided in favour of France. He even carried his generosity so far, as to give these two princes leave to return home, contenting himself with taking their word, that if the affair was determined in his favour by the arbitrators, they would come back to England and remain in hostage, only till he was in possession of the territory in dispute. These two princes embraced his generosity, and returned to France. Mean while, the affair was left undecided, and the hostages thought no more of returning.

ib. p. 484, 562.

p. 492, 544.

The earl of St. Pol obtained his liberty, upon leaving his two sons in his room.

p. 494

Charles d'Artois made his escape without taking leave.

The lords of Luxemburg, Estampes and Hengest, died in England, and Charles sent not other hostages in their room, though he was often required.

AA. Pub.  
vi. p. 473.

The earl of Harcourt had leave for a certain time, and returned no more.

p. 568.

Guy de Blois did the same thing; but agreed afterwards with Edward, by giving him Soissons.

Ib. p. 551.

568.

Montmorency, Boucherche and Mulevrier, had leave to go to France, but took care never to return. It is likely, however, they gave the king some satisfaction, since we do not find any complaint against them in the Collection of the Public Acts, from whence I have taken these particulars.

As for the other hostages of less note, and the burghesses of the towns, whereof Toulouse neglected to send any, Edward generously gave some their freedom, and the rest compounded for their ransoms, or died in England.

As for king John's ransom, there still remained unpaid near two millions. It is true, Edward received of Charles, at several times, about three hundred thousand crowns, which, added to what was paid by the king his father, amounted to little more than the first million, which was due seven or eight months before.

It appears then, that Edward was the only person wronged, and yet Charles pretended, the treaty of Bretigny was void, by the non-performance of some articles on the part of England; articles, which no historian has distinctly mentioned. Upon this foundation he asserted, that France, restored to her antient right, might justly confiscate the provinces resigned to England. After these remarks, which seemed necessary for clearing this fact, it is time to resume the thread of the history.

Ponthieu  
taken from  
Edward.  
The chief  
cities of  
Guienne  
revolt.  
Froissart.  
i. ii. c. 246.

Edward was extremely surprized to find that Charles, who passed not for a warrior, should dare to cope with a prince that had gained so many battles. He was still more astonished, when he heard that the earldom of Ponthieu was seized, and the principal cities of Guienne were in arms against him. He summoned a parliament, which granted him large aids to maintain so necessary a war, wherein he was unwillingly engaged<sup>m</sup>. By the advice of the parliament, he re-assumed

\* This parliament met at Westminster, May 27, and granted the king for three years of denizens for every sack of wool, forty-three shillings and four-pence; of every twenty dozen of fells, forty-three shillings and four-pence; and of every last of skins, five pounds six shillings and eight-pence, over the old custom. Cotton's Abridg. This parliament was sitting, when the French valet came to London, and declared war against England. See Barnes, p. 739. Froiss. c. 246.

the



the title of King of France; which he had relinquished since the peace<sup>a</sup>. After obtaining this supply from his subjects, and a positive promise to support him as long as the war should last, his first care was to send troops to the prince of Wales, to recover the cities of Guienne: Then he dispatched the duke of Lancaster, his fourth son, to Calais, with a powerful army. But the duke's progress ended only in ravaging the open country, without making any conquest.

The renewal of the war was not the only thing that disturbed Edward's repose this year. The loss of his queen was to him a very great increase of affliction: He had lived with her forty years in perfect union, and had by her twelve children. The good queen was likewise extremely lamented by the people, who had always found her ready to relieve them in their necessities. The poor especially were great losers by her death.

The war was continued in France to the advantage of England, under the conduct of Chandos, who commanded in Saintonge and Poitou, and maintained his master's affairs in those parts in a flourishing condition. But this brave general being slain at length in a battle<sup>b</sup>, they began to decline in these two provinces.

Guienne was in no better state. The prince of Wales, who, because of his illness, could do little more than give

<sup>a</sup> This year the king set forth an order for the arming of all clergymen. Part of it runs thus: "The king commands and requires all the prelates assembled in parliament, that in regard of the great danger and damage which may happen to the realm and church of England by reason of this war, in case the enemy should invade the kingdom, that they will appear themselves in the defence of the realm, and cause their tenants, dependants, monks, parsons, vicars, &c. to be prepared for the field in a military manner, and be ready to encounter the force, and disappoint the malice of his enemies." All which the prelates in parliament engaged to perform. Rot. in Tur. Lon. in. 43. Edward III. Rymer, tom. vi. p. 631.

<sup>b</sup> She died on the 15th of August, 1290, having been married two and forty years, and was buried in the chapel of the Kings in Westminster Abbey, under a fair tomb of black

touchstone, with her portraiture thereon of alabaster. About her monument were placed the figures, and now remain the shields of arms carved and painted of thirty illustrious persons. Among other works of charity, she contributed largely towards the building and endowing of Queen's College in Oxford, founded in 1348, by Robert Eglesfield, her chaplain and confessor.

<sup>c</sup> In a small rencounter he received a wound in the head, of which he died two days after. Froissart, l. i. c. 269. About that time Sir Robert Knolles was sent with an army into France, and waited that kingdom from Calais to Paris. Walsingham. Rymer's Fœd. tom. vi. p. 653.

In the beginning of this year, the king was in so great want of money, notwithstanding the large aids granted him by his parliament, that he borrowed great sums of money from merchants and persons of estates. Walsingham. Rymer's Fœd. tom. p. 635.

The inhabitants put to the sword.

The prince of Wales's distemper increases.

1371.

He returns to England. Act. Pub. vii. p. 6. Froissart. Walling.

Death of the king of Scotland. Robert Stuart succeeds. Buchanan. Act. Pub. vi. p. 696.

The duke of Lancaster and earl of Cambridge marry the two daughters of Peter the Cruel. Froissart. Walling.

1342.

The duke of Lancaster assumes the title of king of Castile.

directions, saw himself extremely weakened by the revolt of the chief towns depending on his principality of Aquitaine. Limoges, a city of great importance, was surprized by the French, or rather desired to change masters. The disloyalty of the inhabitants so incensed the prince, that he resolved to make them an example. To that end, having received a supply of troops, brought him by the duke of Lancaster and the earl of Cambridge, he besieged the town, took it by storm, and put all the inhabitants to the sword.

This was the last warlike exploit of that great prince, whose distemper obliged him to be carried in a litter. At last, finding himself utterly unable to act, he resolved to return into England. He had still some small hopes that his native air would restore him to his health. After resigning to the king his principality of Aquitaine, which he could no longer govern, he departed, leaving the command of the army to the duke of Lancaster. Before his departure, he had the vexation to see Edward his eldest son die, in the seventh year of his age. He was a prince of great hopes, and seemed much more like his father and grandfather, than his younger brother Richard, who succeeded them. The prince of Wales took his son Richard with him, in order to have him educated in England.

David king of Scotland died the last year, leaving his crown to Robert Stuart his nephew, son of his eldest sister. Robert was no sooner on the throne, but he made an alliance offensive and defensive with France against England. But the league was kept secret, Charles not having then any need of his aid, which doubtless he reserved for a more urgent occasion.

The departure of the prince of Wales entirely ruined the affairs of the English in Guienne. The duke of Lancaster and the earl of Cambridge, perceiving that with so few troops they could not hope to reduce the revolted towns, or effectually withstand the French, resolved to return into England to solicit fresh supplies. Before they departed, they married the two daughters of Peter the Cruel, king of Castile, expelled and slain by Henry his bastard-brother. The duke of Lancaster espousing Constantia the eldest, immediately assumed the title of king of Castile and Leon, thereby showing, he designed to prosecute his wife's right. This proceeding obliged

Pedro king of Castile, when he came to implore the assistance of princes for their father's performance of the conditions agreed on between him and that

liged Henry to unite more closely with France. As it was his interest to help as much as possible to humble England, he resolved to assist Charles with all his forces.

About this time the Flemings, who had declared for France, were defeated at sea by the earl of Hereford, who took six and twenty of their ships.

But this could not balance the advantages gained by Du Guesclin upon England in Guienne, and the neighbouring provinces. This brave general, whom Charles had drawn from the king of Castile's service, to make him constable of France, beat the English every where. After driving them out of Limosin, Perigord, and Rouergne, he carried his progress so far, that he found himself able to march into Saintonge, and at length to lay siege to Rochelle, with the assistance of a fleet sent by the king of Castile, to block up the town by sea. When Edward received the news, he speedily sent the earl of Pembroke with forty ships to throw succours into the town. This precaution seemed sufficient to save Rochelle; but for some time nothing had prospered with the English. The earl of Pembroke being about to sail into the port, met the Spanish fleet, commanded by admiral Boccanegra, a Genoese, who fiercely attacked him. The fight lasted two days, and ended at length in the entire defeat of the English fleet, the admiral and many officers being taken and sent bound into Spain. This loss completed the ruin of the English affairs. Rochelle however might have still held out, had it not been for the treachery of the mayor. This magistrate, who held intelligence with the besiegers, found means to cause the garrison to be drawn out of the citadel, under colour of a muster, and by means of a forged order of the king, which Mansel the governor, not being able to read, took for real. When the garrison was come out, the mayor shut the gates, and would not suffer them to re-enter. Whereupon the town capitulated, and obtained such advanta-

that prince, which their father taking no care to perform, and being killed not long after, the young ladies were left upon prince Edward's hands. When they came to women's estate, the duke of Lancaster was advised to marry the eldest, being deemed the true heiress to the crown of Castile, and the earl of Cambridge married Isabella the youngest.

Who was appointed the king's

lieutenant in Guienne: and at the same time the duke of Lancaster was ordered to invade France by the side of Picardy, with a large army. Froissart. Rymer, tom. vii. p. 7. 13.

This defeat happened on June 23. There was in one of the ships taken by the enemy, twenty thousand marks in ready money to pay the army. Froissart. Walsing.

Act. Pub.  
vi. p. 698.  
729.

Froissart,  
l. i. c. 290.  
Walsing.

Du Guesclin  
gets the bet-  
ter of the  
English.

He besieges  
Rochelle.

The earl of  
Pembroke  
is beaten at  
sea.  
Walsing.  
Froissart.  
l. i. c. 295.  
497.

Rochelle  
taken.  
Id. c. 302.

gious terms<sup>u</sup>, that she rather became free than changed so-  
vereign.

Guesclin  
besieges  
Thouars.  
Froissart.

A. I. C. 303.

Edward tries  
in vain to  
save the  
town.  
Ibid.  
Walsing.

The loss of Rochelle alarming Edward's adherents in those parts, Du Guesclin improved his advantages. He marched into Poictou, where he took several towns, and at length formed the siege of Thouars, where the principal lords of the country were retired. The siege was so vigorously carried on, that the besieged were at last forced to capitulate, and promise to return to the obedience of France, if the king of England, or one of his sons, did not come before Michaelmas, with an army strong enough to give battle. Such capitulations were very common in those days, when good faith was more esteemed than at present. Accordingly, they are no longer practised. The loss of Thouars was of too great consequence to leave that place un-relieved, especially as the king's honour was concerned. Edward's extreme desire to save that town, and with it the rest of Poictou, caused him to use his utmost endeavours. In a very short time he assembled a fleet of four hundred sail<sup>v</sup>, with which he would have gone in person to raise the siege<sup>x</sup>. But the winds constantly refusing to favour him, all his endeavours proved fruitless. He was six weeks at sea, without being able to reach Poictou. At last he was forced to return to England after great fatigues and a vast expence, which almost drained his treasury. He was scarce come to London when he heard the French were masters of all Poictou<sup>y</sup>.

<sup>u</sup> The conditions were: that their castle, which commanded the town, should be raised; and that they should have a mint allowed them. They also obtained a charter of their privileges and liberties, in as ample manner as they desired. Ibid. c. 302.

<sup>v</sup> And gathered a large army together, about three thousand lances, and ten thousand archers, by summoning all men to come ready armed to Sandwich, and other parts. Froissart.

<sup>x</sup> He sailed from Sandwich the 31st of August, or beginning of September, with his son the Black Prince, who was now pretty well recovered; but was forced to return to England, in the beginning of October. See Rymer, tom. vi.

<sup>y</sup> This year a parliament met at Westminster, November 3, and the citizens and burgesses granted for the safe conveying of their ships and goods, a

custom of two shillings upon every tun of wine, coming in or exported out of the kingdom, and six-pence in the pound of all their goods and merchandise for one year. Walsing. p. 184. This year also, Jan. 15, died the lord Walter Manny; and was buried in the Charter-House, which he had founded. Ann his only daughter and heir was married to John de Hastings earl of Pembroke. Dugdale's Baron. vol. ii. p. 150. The 16th of the same month died Humphrey de Bohun, earl of Hereford, Essex, and Northampton, constable of England, the tenth of that name, and last male of that noble family. He left behind him only two daughters, Eleanor, afterwards married to Thomas of Woodstock, king Edward's youngest son; and Mary to Henry earl of Derby, who became king, by the name of Henry IV. Id. vol. i. p. 287.

Edwards affairs prospered little better in Bretagne, though the duke his son-in-law did his utmost to promote them. The people were weary of war, and were troubled to see, that solely for the interest of the English, they were going to be plunged again into their late calamities. On the other hand, the lords of Bretagne, bribed by French pensions, opposed their prince's designs, and treated as enemies the troops sent thither by Edward to support the war. In this situation the duke, whose heart was entirely English, had it not in his power to serve the king his father-in-law as he wished, or to perform his late treaty. Thus embarrassed, he resolved to go himself into England, and solicit a supply capable of procuring him greater authority in his own dominions. Edward was very sensible of the importance of the demand, but could not do every thing<sup>a</sup>. He was obliged therefore to send back the duke of Bretagne with fair promises only, whilst he turned all his thoughts to restore the affairs of Guienne, which touched him more nearly<sup>a</sup>.

Pursuant to his resolution to make a powerful effort in Gascony, he assembled an army of thirty thousand men, the command whereof was given to the duke of Lancaster his son, styled in England, King of Castile. The duke landing at Calais, traversed all France without opposition, and came to Bourdeaux. From thence he advanced into upper Guienne, with design to expel the duke of Anjou, who had taken several towns. He offered him battle, which the French prince accepted. The time and place were appointed; but the two generals receiving advice of a truce concluded between the two crowns, both retired<sup>b</sup>.

Some time since, at the pressing instance of the pope, the two kings had sent plenipotentiaries<sup>c</sup> to Bruges, where the

Affairs of  
Bretagne.  
Argenté.  
Mezerai.  
Froissart.

Ad. Pub.  
vi. p. 698.  
738. 768.

1374.  
The duke of  
Lancaster  
goes to  
Guienne.  
Froissart.  
l. i. c. 308.  
&c.  
Ad. Pub.  
vii. p. 7, 13.  
Walsing.  
Battle a-  
greed on,  
prevented  
by a truce.

1375.

<sup>a</sup> In the year 1375, having obtained an aid from king Edward, he sailed in the beginning of the spring, from England, with three thousand archers and two thousand men at arms, and recovered several of his towns and castles. Frois. Walsing.

<sup>b</sup> This year, on the 20th of March, Sir John Devreux marched from Niort, with a considerable army to relieve Sivey, then besieged by the French, but was entirely defeated. Frois.

<sup>c</sup> A parliament met this year at Westminster, November 1, which granted the king two fifteenths, to be paid in two years; and also of every twenty

shillings of merchandise coming into the realm, or going out, six-pence for two years, except of wools, skins, and wool-fells. And also the subsidy of wools for two years, upon condition, that if the wars ceased within two years, then the latter payments of all their grants should cease. Rot. Parl. 47 Edw. III. N. 4, 5. Cotton's Abridg. p. 116. Wals. p. 189.

<sup>d</sup> The English plenipotentiaries were Simon bishop of London, Edmund earl of March; Richard de Stafford, and Roger de Beauchamp, knights bannerets; Simon de Melton, doctor of laws, and John de Brankete, treasurer of York. Rymer's Fed. tom. vi. p. 760.

fore-

Froissart.

I. l. c. 311.

Act. Pub.

vi. p. 702,

704; 711,

760.

vii. p. 67,

66—81.

1376.

Truce pro-

longed.

Ib. p. 89,

200.

fore mentioned truce was concluded; to negotiate a peace. But the pretensions of the two monarchs being too opposite for a peace to be so easily made, their negotiation ended only in a prolongation of the truce to April 1377. As soon as the truce was signed, the duke of Lancaster led back his troops into England.

Though the consequences of the last war were no less considerable than those of the former, since France recovered in this whatever she lost in the other, yet the particulars are very far from being so entertaining. In the first, Edward's conquests were rendered illustrious by a naval engagement, where the king commanded in person. The battle of Cressy, where all the nobles of both kingdoms fought in the presence of the two kings, and gained by a prince of sixteen years old, is one of the most interesting scenes in history. The conquest of Calais, in the sight of an hundred and fifty thousand men, is no less capable of affecting the reader. The victory of Poitiers, obtained by an army of twelve thousand against sixty thousand, and the taking of king John, are events which command our admiration, and quicken our attention. In a word, the first war was ended by the most important and solemn treaty ever made between the two crowns. In the second, there was not one general action: the two kings, contenting themselves with directing their affairs in the cabinet, never appeared at the head of their armies. As for the sieges, excepting those of Limoges and Rochelle, there was scarce one worth mentioning. The towns lost by the English, were taken or surprised with a wonderful rapidity: some even surrendered before the enemy's approach. The losses therefore of the English were a real defeat, which affords but few particulars proper to satisfy the reader's curiosity. For this reason I have not insisted upon a detail, which must have been tedious. It suffices to observe, that at the time of the last treaty, England had lost whatever was acquired by the treaty of Bretigny, except Calais alone. So true is it, that acquisitions gained by force of arms, ought not to be relied on, as has been, and is daily confirmed by numberless instances. Sooner or later, a superior force finds means to wrest them from the conqueror or his children. Thus France lost in the reign of John, what was conquered upon the English by Philip Augustus and St. Lewis; and thus Edward III. lost the conquests made by himself in France. We shall see in the course of the history, that one of Edward's successors amply retrieved all these losses; and the French, in their turn, recovered quickly after whatever had been taken by that prince. Such

examples,

examples, frequently occurring in history, ought to teach princes to moderate their ambition; but few are so wise as to profit by them. If we enquire into the natural causes of the revolution by which Edward lost what he had acquired by the treaty of Bretigny, they will appear very obvious. The revolt of the Gascons, the prince of Wales's distemper, Edward's old age, his too credulous reliance on the king of France's sincerity, the prudence of Charles the Wise, who, without stirring from the cabinet, managed the whole war, the conduct and bravery of Bertrand du Guesclin, were the instruments in the hand of providence to produce that revolution.

The English were in some measure comforted for all their losses, by the tranquillity enjoyed by the truce. The king himself appeared to lay aside his martial inclinations, for others which sullied his reputation. In his old age he fell in love with Alice Pierce<sup>d</sup>. His passion had such an ascendant over him, that it made him guilty of weaknesses unbecoming so great a prince. The money raised for the war, was quickly consumed by this greedy she-favorite. From thence followed an universal discontent throughout the kingdom. Wholly employed with pleasing his mistress, the king thought only of procuring her diversions. Entertainments were daily made with immense expence. Taxes were the more grievous, as the nation had been drained by continual wars. They were extremely troubled, to see the money designed for the payment of the public debts, squandered away in vanities. Above all, a tournament held in Smithfield, gave great offence, where Alice Pierce, to whom her old lover had given the name of Lady of the Sun, appeared by his side in a triumphant chariot, and attended by many ladies of quality, each leading a knight by his horse's bridle. When the king's coffers were empty, he called a parliament to demand a supply: but he had the mortification to see that his people, who so powerfully assisted him in his glorious undertakings, had not the same zeal to provide for useless expences. Before the supply was granted, the parliament complained of the ill-management of his ministers, particularly of the duke of Lancaster, whom the king his father had chiefly intrusted with the administration of affairs.

Edward falls in love with Alice Pierce, Walling.

He wastes the public money, which disgusts the nation.

A tournament in Smithfield. Stow's Survey.

The parliament obliges the king to turn off his favourites and ministers, Cotton's Abridg. Walling.

<sup>d</sup> She was one of the ladies of the bed-chamber to queen Philippa. In a grant to her of some jewels belonging to queen Philippa deceased, dated at Woodstock, August the 8th, 1373, she is called Perrers. Rymer's Fœd. tom. vii. p. 28. This is the only record in the

Fœders, which proves Edward's affection for this lady; a thing Mr. Barnes will by no means allow, for two reasons, because Edward was so chaste in the flower of his age, and because so noble a baron as the lord William Windsor married her afterwards.

Hollingsh.

A general  
pardon.  
Act. Pub.  
vii. p. 236.

Death of the  
prince of  
Wales.  
His charac-  
ter.  
Walsing.

They even petitioned the king to remove from his person the duke of Lancaster his son, Alice Pierce\*, Latimer lord chamberlain, and others that were most in his favour. The petition was made with such warmth, that the king perceiving he could not reject it without danger, granted their request, left in their turn the parliament should refuse him the money he wanted. It was not questioned, but the prince of Wales had privately induced the parliament to take this step, in order to remove the duke of Lancaster, who was in too great credit with the king. As the prince found he must die, he could not effect without uneasiness, that he was going to leave his young son Richard to the mercy of an ambitious uncle, who might use his credit to take the crown from him. And indeed Richard, by reason of his youth, was incapable of opposing the duke's designs, in case they should tend, as it was suspected, to the procuring himself to be declared the king's presumptive heir, after the death of his elder brother. This obliged the prince of Wales to seek for his son the protection of the parliament, as the only means to support him in his just rights. For the same reason, probably, the parliament† petitioned the removal of the duke of Lancaster. During this session, Edward, now in the fiftieth year of his reign, caused a general pardon to be published, which pleased the whole nation.

A sorrow no less universal quickly followed this joy. It was caused by the death of the prince of Wales, the most excellent prince England had ever produced. He was possessed of all virtues in an eminent degree. A good soldier, and a great general, brave without fierceness, bold in battle, but very affable in conversation, and of a modesty which could never be sufficiently admired. Ever submissive and respectful to the king his father, whom he never once disobliged. Generous, liberal, pleased with rewarding merit wherever he found it, he wanted no qualification requisite to form a perfect hero. The English commonly called him, The Black Prince; not for his warlike exploits, as some have imagined, but because he wore black armour. The news of his death, was received with inconceivable grief, though it was long expected. The parliament was willing, on this occasion, to express their just sorrow for the loss of so great a prince, who had gained the affection and esteem of the whole nation, by attending his corps to Canterbury, where he chose to be in-

\* She was accused of coming into the courts of justice, sitting on the bench with the judges, and making them do

as she pleased. Walsing.

† This parliament was called the Good Parliament, Walsing.

tarred,



terred<sup>s</sup>. This renowned prince died in the forty-sixth year of his age, lamented by the king his father, who showed upon that occasion less firmness, than he had done in all his other misfortunes<sup>b</sup>. The king of France himself, though he had little reason to be sorry, gave him marks of his esteem, by ordering a solemn service to be celebrated at Paris, at which he was pleased to be present in person. Prince Edward left but one legitimate son, about ten years old, and two natural sons, who made no great figure in history<sup>c</sup>.

Froissart.  
l. i. c. 312.

The English were the more sensible of their loss, as it was soon followed by a fresh occasion of sorrow. The king recalled to court those that were removed from his person. Peter de la Mare, speaker of the house of commons<sup>k</sup>, who, in presenting the above-mentioned petition to the king, had spoken a little too freely against Alice Pierce, was, at her solicitation, confined in Nottingham-castle. The duke of Lancaster resumed his old post, and all the other ministers were restored to their former offices. However though he gave the duke of Lancaster this express testimony of his affection and confidence, Edward would not give him occasion to expect he designed him for his successor. On the contrary, to prevent all disputes after his death about the succession, he

1377.

The king recalls the duke of Lancaster and Alice Pierce.  
Walsing.

<sup>s</sup> He died of a fever, June 8, 1376, and by his will dis disposed of his body to be buried in the cathedral of the Trinity at Canterbury. Over his grave is erected a stately monument of grey marble, with his portraiture thereon of copper, gilt; the ends and sides are garnished with escutcheons also of copper, enameled with his arms and devices, and superscribed with the words *Houmout and Ich dien*. On an iron bar over the tomb, are placed the helmet and crest, coat of mail and gantlets, and (on a pillar near thereto) his shield of arms richly diapered with gold; all which he is said to have used in battle. On a fillet of brass round the monument is circumscribed this French epitaph, "Cy gist le noble prince monsieur Edward, si s'neux filz du tresnoble roy Edward tiers: judis prince d'Aquitain & de Gales, duc de Cornuaille & comte de Ceitie, qi morust en la feste di la Trinite q'estoit le viii jour du Juyn, l'an de grace mil trois cens septante sine, l'alme de qi Dieu eit mercy Amen." On the south side, at the foot, and at the north side of the tomb, are French verses,

<sup>b</sup> Walsingham says, with him died the hopes of the English, during whose life they dreaded no invasion, nor feared to encounter any enemy. He never undertook an expedition without conquest, never formed a siege without carrying the place. &c. p. 190.

<sup>k</sup> His natural issue were, 1. Sir John Sounder, of whom there is no other mention than of his name. 2. Sir Roger de Clarendon, so named probably from the place of his birth. He was made one of the knights of the chamber to Richard II. who granted him one hundred pounds per ann. during life. He was attainted in the reign of Henry IV. and is thought to be the ancestor of a family of the Smiths in Essex. He bore, or, on a bend sable, three ostrich-feathers argent, the quills transfixed through as many scrolls of the first. Sandf. General. p. 189.

<sup>c</sup> He was not speaker, it seems, (though Walsing. says it by mistake) but a considerable knight of Herefordshire, both for prudence and eloquence. He was confined till the beginning of the next reign.

created

He creates  
Richard his  
grandson,  
prince of  
Wales.  
Cotton's  
Abridg.  
Astr. Pub.  
v. p. 126.  
Walsing.

created Richard his grandson duke of Cornwall and earl of Chester, and presently after conferred on him the title of prince of Wales. But not content with discovering his intention, he caused all the nobility to take their oath to him, as to the heir apparent of the crown. Finally, for fear his uncles might entertain hopes of ascending the throne to his prejudice, he was pleased to put him as it were in possession of the rank he designed him for, by causing him to take place of them in all public solemnities. Thus did that wise prince take measures to prevent the dissensions which might arise after his death in his family, concerning the succession; pleasing himself withal in honouring the memory of a son he had tenderly loved and perfectly esteemed, by doing justice to young Richard<sup>1</sup>.

Troubles on  
account of  
Wickliff.  
Walsing.

Whilst these things were transacting at court, John Wickliff, doctor of divinity in the university of Oxford, began to publish his belief upon several articles of religion, wherein he differed from the common doctrine. Pope Gregory XI. being informed of it condemned some of his tenets, and commanded the archbishop of Canterbury, and bishop of London, to oblige him to subscribe the condemnation, and in case of refusal, to summon him to Rome. It was not easy to execute this commission. Wickliff had now many followers in the kingdom, and for protector the duke of Lancaster, whose authority was very little inferior to the king's. Nevertheless, to obey the pope's order, the archbishop held a synod at St. Paul's in London, and cited Wickliff to appear. Accordingly he appeared, accompanied by the duke of Lancaster and the lord Percy, marshal of England, who believed their presence necessary to protect him. After he had taken his place, according to his rank, and been interrogated by the bishop of London, he would have answered sitting, and thereby gave occasion for a great dispute. The bishop insisted upon his standing and being uncovered, and the duke of Lancaster pretended, Wickliff was there only as doctor to give his vote and opinion, and not as a party accused. The contest grew so high, that the duke of Lancaster proceeded to threats, and gave the bishop very hard words. Whereupon the people that were present, thinking the bishop in danger, took his part with such heat and noise, that the duke and earl marshal thought fit to withdraw and take Wickliff with them. Their

<sup>1</sup> This year a parliament met at London, Jan. 27, which granted the king four pence by way of poll from every person in the kingdom, male and fe-

male, above fourteen years of age, except mere beggars. Cotton's Abridg. p. 144, &c.

with-

Withdrawing appeased not the tumult: some incendiaries spread a report, that at the instance of the duke of Lancaster, it was moved that day to the king in council, to put down the office of lord mayor, take away the city privileges, and reduce London under the jurisdiction of the earl marshal. This was sufficient to enrage the people: they ran immediately to the Marshalsea and freed all the prisoners. But they did not stop there. The multitude, whose number continually increased, posted to the duke of Lancaster's palace in the Savoy, and missing his person, plundered the house, and dragged his arms along the streets. The duke was so provoked at the affront, that he could not be pacified but by the removal of the mayor<sup>m</sup> and aldermen, whom he accused of not using their authority to restrain the seditious.

To return to Wickliff. The bishops being met a second time, the doctor declared before them his sentiments concerning the sacrament of the Eucharist, explaining the eating of the body of Christ, much in the same manner as Berengarius had done before him. Though his opinion was contrary to the doctrine of the church in those days, the bishops not daring to proceed rigorously against him, were contented with injoining him silence. It is said, he promised to obey; but however, the dispute was revived in the following reign.

Let us conclude this reign with Edward's last public action, who, in an assembly of the Knights-Companions of the Garter at Windsor, conferred that order on Richard his grandson. This was the only honour he could yet give him; after declaring him his successor. Shortly after, this great prince, who was now indisposed, fell so dangerously ill, that his death was believed to approach. Before he left the world, he had the mortification to see the world leave him. Alice his favourite, who managed him in his sickness, suffered very few to come into his room. When she saw he was dying, she seized every thing of value she could find, even to the rings on his finger, and withdrew. His courtiers and chaplains showed no less ingratitude. They all deserted him, without vouchsafing to warn him of the little time he had to live; and of the account he was shortly to give of his actions to God. There was only one single priest, who accidentally seeing him forsaken in his last agonies, came near the bed to comfort him. He addressed to him some exhortations, to which the dying king endeavoured to reply; but his words were not articulate enough to be understood. The only word

Wickliff explains his notions of the Eucharist.

The king makes Richard knight of the garter. Walſing. He falls ill, and sees himself deferred by all. Walſing.

<sup>m</sup> Adam Stapler, in whose room Sir Nichol. Brember was chosen. Stow's Survey.

Death of  
Edward.

distinctly pronounced, was the name of Christ, just as he fetched his last breath. Thus died this illustrious prince at Shene (now Richmond) in the sixty-fifth year of his age, and the fifty-first of his reign<sup>a</sup>.

His character.

After relating the principal actions of Edward III. in the history of his reign, it will be necessary, in order to complete the character of this famous prince, to give some account of his person, and accomplishments of body and mind. He was very tall, but well shaped, and of so noble and majestic an aspect that his very looks commanded respect and veneration. Affable and obliging to the good, but inexorable to the bad; there are few princes to be met with in history, in whom were so well mixed the duties of a sovereign with those of an honest man and a good Christian, though in this last respect his conduct was not altogether blameless. His conversation was easy, and always accompanied with gravity and discretion. Friend of the poor, the fatherless, the widow, and all who were unhappily fallen into misfortune, he made it his business to procure them some comfort in their affliction. Never had king before him bestowed honours and rewards and more judgment, and greater regard to true merit. Though his valour was acknowledged and admired by all the world, it never made him proud. Never did he show greater signs of humility, than in the course of his victories, which he constantly ascribed to the sole protection of heaven. He knew how to maintain the prerogatives of the crown, without encroaching on the privileges of the people. In all the former reigns there had not been enacted so many advantageous statutes to the nation as in this: Edward always agreeing with the august body of the nation's representatives, made that harmony instrumental to curb the designs of the court of Rome, which never dared to quarrel with him. The glory of the prince of Wales, his son, added a new lustre to his own, and his constant union with his queen increased his

<sup>a</sup> He died of the shingles, on June 21, 1377. Rymer's Fœd. tom. vii. p. 251. Walsing. Tyrrel, and lies buried at Westminster-Abbey, with this epitaph upon his tomb, according to the ginging rhyme of those days.

*Hic decus Anglorum, flos regnum præteritorum,  
Forma futurorum, rex clemens, pax populorum,  
Tertius Edwardus, regni complens jubilæum,  
Invictus pavidus, bellis pollens Machabæum.  
Prospera dum vixit, regnum pietate revixit,  
Armipotens rex: jam caelo (calice rex) sit!  
Tertius Edwardus famâ super æthera notus  
Pugna pro patria.  
MCCCLXXVII.*

happiness.

happines. As he was never too elate in prosperity, so in adversity he was never too much dejected. His moderation appeared no less in his loss of the provinces that had cost him so much toil and treasure, than in his victories which had gained him the possession. In a word, he might be reckoned an accomplished prince, if his ambition had not caused him to break, in a dishonourable manner, the peace made with Scotland, in order to dispose of a minor king, who besides was his brother-in-law. Some add likewise the rupture with France, and his pretensions to the crown of that kingdom, which they term extravagant, and wholly ascribe to an ambitious motive. The following Dissertation will help the reader to judge of this conduct. As to his weakness in falling in love in his old age with Alice Pierce, that blemish is much lessened by the many noble qualities which rendered him so praise-worthy. One might in some measure excuse him, by saying he considered this passion at first as an amusement only, to divert him in his troubles, and knowing little of love in his youthful days, took not sufficient care to guard himself against it in his old age.

Philippa of Hainault, his queen, brought him twelve children, some of whom died before him. Edward prince of Wales, his eldest son, left but one son, who ascended the throne after his grandfather. William, his second son, died an infant. Lionel duke of Clarence, who ended his days in Italy, left only a daughter called Philippa, by his first wife; an Irish lady. John of Gaunt, duke of Lancaster, was twice married in his father's life-time, and had children, of whom I shall have occasion to speak in the following reigns. Edward's fifth son was Edmund, surnamed of Langley, the place of his birth: he was created earl of Cambridge by the king his father, and afterwards duke of York, in the reign of Richard II. his nephew. William, surnamed of Windsor, died young. Thomas of Woodstock, the seventh son,

\* Among other public acts of magnificence and charity, king Edward rebuilt Windsor castle, of which structure the famous William of Wickham was surveyor. He also founded King's-hall in Cambridge, now part of Trinity-college; and the collegiate chapel of St. Stephen's at Westminster, for a dean and twelve secular canons. Stow's Ann. p. 277. Rymer's Fœd. tom. v. p. 631.

<sup>p</sup> William of Hatfield (the place of his birth) born 1336, dying in his childhood, was interred in the cathedral of York.

† Elizabeth de Burgh, in whose right he was created earl of Ulster in Ireland; William de Burgh, her father, married Maud, daughter of Henry, son of Edmund, second son of Henry III.

‡ And was buried at Westminster; where, in the chapel of St. Edmund, is to be seen a tomb of grey marble, on which lie the figures of this William and his sister Blanch de la Tour, carved in alabaster, in the habit of the time, each about a foot and a half long. The fillet of brass, containing their epitaph, is torn away.

## THE HISTORY

was made duke of Buckingham by Richard II. and afterwards duke of Gloucester.

Isabella, eldest daughter of Edward, was married to Ingelram de Coucy earl of Soissons<sup>a</sup>. Joanna was first contracted to the duke of Austria, and afterwards to Pedro the Cruel<sup>b</sup>, king of Castile, before he was king, and died at Bourdeaux, as she was going to Spain to consummate her marriage. Blanch lived but few years<sup>c</sup>. Mary was married to John de Montfort duke of Bretagne, and died in 1363. Margaret was wife to John Hastings, earl of Pembroke<sup>d</sup>.

<sup>a</sup> Who was by Edward III. created earl of Bedford, 1366. This Isabella was buried in the church of the Friars Minors without Aldgate, leaving issue Mary de Coucy, wife of Robert de Barr, and Philip de Coucy, wife of Robert de Vere duke of Ireland, marquis of Dublin (a title before unknown in England,) and earl of Oxford; who forsaking her, married one Lancerrons, a joyner's daughter (as is reported), who came with king Richard II's wife out of Bohemia. He died at last in great want, at Louvain, 1352; and his corpse was brought home, and interred at Earl's Colne in Essex.

<sup>c</sup> She was married by proxy, and entitled Queen of Spain, but died of the plague as soon as she came into Spain; so that the king her spouse coming to meet her to solemnise the nuptials, accompanied her to church only at her funeral, in 1348. She was born in the Tower, 1335. All our historians unanimously affirm she was contracted to Alphonso XI. king of Castile; but that it was to his son Pedro, surnamed the

Cruel, is undeniably manifest from Rymer's Fœd. tom. v. p. 475—478, 498—503, 601—607, 612, etc.

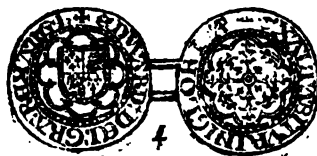
<sup>b</sup> She was called de la Tour, because born in the Tower of London. She was buried in Westminster-abbey, 1340, and her figure of alabaster lies as above-mentioned in note<sup>e</sup>.

<sup>d</sup> This John Hastings being sent to raise the siege of Rochelle, fell into the hands of the Spaniards; and after two years captivity, was sold to a nobleman of France, with whom agreeing for his ransom, he was at his departure poisoned at a banquet, 1375, without issue by this wife, being the first subject who followed the example of king Edward III. In quartering arms, as may be seen in his escutcheon, on the north side of Edward III's tomb, upon which he bears, quarterly, or, a march gules, by the name of Hastings; and Barry of twelve pieces argent and azure, an orle of eight martlets gules, being Valence; impaling France semée, and England, quarterly. Sandf. Geneal. p. 180.

BY a chartermint to the abbot of Reading, it seems that there was not any greater piece coined, till after the twelfth year of Edward III. than a penny. For the charter runs thus: "*Rex dilecto sibi Johanni de Fleete custodi cambii nostri Londini: cum per cartam nostram concessimus dilectis nobis in Christo.—Abbati et monachis de Radyng quod et ipsi et successores in perpetuum habeant unum monetarium et unum cuneum, etc.—Vobis mandamus quod tres cuneos de duro et competenti metallo, unum, viz. pro sterlingis, alium pro obolis, et tertium pro ferlingis, pro moneta apud dictum locum de Radyng facienda, de impressione et circumscriptura quas dictus.—Abbas declarabit, etc.—T. I. de Shardiche apud Westm xvii die Nov. regni nostri xii.*" But in the eighteenth of his reign, we find the standard of gold coins was the oldest standard or sterling of twenty-three carats three grains and

and a half fine, and half a grain allay. And for the silver coins, the old sterling, of eleven ounces two penny-weight fine, and eighteen penny weight allay. The same in the twentieth, twenty-third, twenty-seventh, thirtieth, forty-sixth of his reign. In the eighteenth year, every pound weight of gold of this standard was to be coined into fifty florences at six shillings a-piece, which made in tale fifteen pounds, or into a proportionable number of half and quarter-florences. This was by indenture between the king and Walter de Dunflower, master and worker. These florences were so called from the Florentines, who (in the year 1252) first minted such pieces; so that Florenus was generally used all over Europe for the chief gold coin, as it is now for the best silver. Fabian calls the floren a penny, the half-floren a half-penny, and the quarter a farthing of gold. And these words are often met with in old histories and accmpts, applied to several coins, as reals, angels, etc. where it is to be understood by Denarius, the Whole; by Obolus, the Half; and by Quadrans, the Fourth Part or Farthing. In the same eighteenth year, a pound weight of gold of old standard, was to contain thirty nine nobles and a half, at six shillings and eight pence a-piece, amounting in the whole to thirteen pounds, three shillings, and four-pence in tale; or a proportionable number of half and quarter nobles: which was by indenture between the king and Percival de Perche. By this indenture the trial of the pix was established. These were indisputably the first gold coins, and are so beautiful and rare, that they merit the esteem of medals, being ascribed, EDWARD. DEI. GRA. REX. ANGL. The arms of France and England quarterly within a rose (whence called rose-nobles); the arms semé de lis, and not fainted to three (as in Edward IV.) Reverse, a cross fleuri lioneux; the four lions are passant, with the words EXALTABITVR. IN. GLORIA. (fig. 1.) The rose-noble described by Mr. Evelyn, is of Edward IV. for the French fleurs de lis were not fainted till Henry V's time, nor had they a sun, but only a cross on the reverse. The author of Num. Brit. Hist. saw a half noble of this prince, which answers the description: the king standing in a ship crowned, holding a sword upright in his right hand, and a shield on his left, with the arms of France and England quarterly, the arms of France semé de lis; three lions passant, and three fleurs de lis upon the side of the ship: EDWARD. DEI. GRA. REX. ANG. Z. FRANC. DNS. H. Reverse, in a large rose, a cross fleuri, with a fleur de lis at each point, and a lion passant under a crown in each quarter, the letter E in a rose in the centre: DOMINE. IN. FVRORE. TVO. ARGVAS ME. (fig. 5.) It is to be observed from these famous rose-nobles, every imaginary half mark was afterwards called a noble, the most early use of the word in that sense being in the French king's parole of ransom, in the thirty-fourth year of his reign. The florens did not much differ from the rose-nobles in weight; and whether they differed at all in the impression, is uncertain. In 20 Edw. III. a pound weight of gold of the old standard was to make by tale forty two nobles,

at six shillings and eight-pence a-piece, amounting to fourteen pounds; and a pound of silver of the old sterling was to make twenty-two shillings and six-pence; and Perceval de Perche was master. 27 Edw. III. a pound weight of gold, of the same sterling, was to make by tale forty-five nobles, amounting to fifteen pounds; and a pound weight of silver, of the old sterling, to make by tale seventy-five groates (i. e. groats,) amounting to twenty-five shillings; or a hundred and fifty half-groates, at two-pence a-piece; or three hundred sterlings, at a penny a-piece: Henry Brissel was master and worker. These groats (so called because they were the greatest monies then used) exhibit the king full faced, crowned like the preceding, and inscribed, EDWARD. D. G. REX. ANGL. Z. FRANC. D. HYB, which last title is never wanting on the king's groats. On the reverse, in a large circle, POSVI DEVM. ADIVTOREM. MEVM. (a motto continued by his successors to the union of the two kingdoms;) in the lesser circle the place of mintage, viz. London, York, or Calais (fig. 2.) One has CIVITAS. DVNELMIE. There are some coins before he assumed the title of France, EDWARD. DEI. G. REX. ANGL. DNS. HYB. Z. AQUIT. Thoresby describes one of the pieces, called Lushbury, cried down by act of parliament, inscribed EIWANNES. DNS. Z. REVB. reverse, the cross and pellets, as the English money, LVCEBGENSIS. Likewise another piece, inscribed EDWARD. REX. ANGL. under the king's head a lion passant; reverse, DVX. AQUITANIE, a crown in each quarter of the cross: a most rare piece, and to be ascribed to this Edward, who was not only created duke of Aquitaine in his father's life-time, but also crowned king of England (fig. 3.) His penny and half-penny (called sometimes Mailes) and farthings, were like those of his predecessors, but distinguished by the name EDWARDVS (fig. 4.) those of Ireland in a triangle. It is remarkable what bishop Tonsil observed of the gold of this reign, that it came nearest to that of the ancient Romans, or, that four rose-nobles weighed an ounce, and were equivalent to the Roman aurei both in weight and fineness; and six noble angels made an ounce, which were answerable in all points to the old Roman solidus aureus. Likewise in silver coins, that an old sterling groat was equivalent to the Roman denarius; the half-groat to the quinarus; and the old sterling penny to the sestertius nummus; sestertium (in the neuter gender) a thousand sestertii, to five pounds sterling, when three shillings and four-pence went to the ounce; but now, to seven pounds ten shillings, according to sir Thomas Smith's account, when five shillings goes to the ounce.







A  
D I S S E R T A T I O N  
O N T H E  
S A L I C L A W,  
A N D  
The Dispute between PHILIP of VALOIS and  
E D W A R D I I I.

Bed. de la  
Rep. lib. i. 8.  
Marc. de  
Jur. p. i.  
c. 28. n. 31.  
De Thou,  
lib. ex.

**B**Y the Salic Law is generally meant at present, a fundamental law of the monarchy of France, which excludes the females and their descendants from the succession to the crown. This is the idea commonly annexed to the term Salic Law. In this sense also it is that Bodin says, this law was the foundation of the monarchy; Marca, that it was a privilege and custom peculiar to the French; Thuanus, that it was the Palladium of France. I might cite numberless French authors, who speaking of the Salic Law, consider it only as a law relating particularly to the succession of the crown of France. This notion is the reason that most people, verily believing it was never thought otherwise since the establishment of the monarchy, cannot understand how Edward III. son of a princess of France, could with the least colour dispute the crown of France with Philip de Valois, descended from father to son from Hugh Capet. But they who reason thus are not aware, they take for granted a thing not contested indeed at present, but which at the time of this famous dispute was the only point in question between the two kings. Since that point has been decided, the present notion of the Salic Law is just and certain; but I will venture to say it was then doubtful, and this is what I hope to shew very clearly.

By the Salic Law, Edward, the next male heir of Charles the Fair, was deprived of the succession, and the regency, or to speak more properly the crown, was adjudged to a more distant relation: it will therefore be necessary, for the better understanding

understanding that process, to know what is meant by the Salic Law, which is in every one's mouth, which so few have any knowledge of, and concerning which the French themselves are not agreed, though they reckon it a fundamental law of their monarchy.

Some, as the famous Jerom Bignon, say we are not to look for the Salic Law among records, since it is a law of nature, and if there are any nations where it does not take place, they are examples more worthy of wonder than imitation<sup>a</sup>. Some pretend, that Pharamond the first king of the Franks, decreed by an express law, that the females should not succeed to the crown, which has ever since been inviolate. Others attribute this law to Clovis. Mezerai pretends the succession of the males to the crown of France was not established by a written law, but by an inviolable custom. This confusion of ideas, which makes the Salic Law to be considered one while as a law of nature, another while as a positive and express law, and sometimes as a mere custom, renders this matter obscure, which I shall endeavour to clear, in order to give the reader a true notion of the famous contest between the two kings.

Before the Franks settled in that part of Gaul they have so long possessed, they were dispersed by troops, in Germany and the Low-Countries, whence they received several names, according to the different countries they inhabited. Some were called Salians, from the river Sala, which ran through the country<sup>b</sup>. Others were distinguished by the names of Chamavi, Catti, Attuarians, Ripuarians, or Ribarols. Each of these colonies had probably their particular laws as well as those common to all the Franks. The laws of the Salians and Ripuarians are still extant. Among the Salian laws we find this :

“ De terra vero salica, nulla portio ad MULIEREM transit, sed hoc VIRILIS SEXUS acquirit.

This law, as it is easy to observe, concerns private inheritances, and the title de Alodio, under which it is placed, puts it out of dispute. Accordingly, this is the opinion of numberless authors, as well French as others, whose names it

<sup>a</sup> One may justly say, there is no beginning or end of the Salic Law, for it is a law of nature born with men, and not written, as Aristotle observes, the law of nature and nations is not written. Bignon, l. 3. Rapin.

<sup>b</sup> There are a dozen different opi-

ons about the etymology of the word Salic. That from the Salians, whose name is taken from the river Sala, seems to me the most probable. See Limonius de Jure Imp. Roman. l. 1. c. 2. Rapin.

would be needless to repeat. Mezerai was doubtless of the same opinion, since he says, the succession of the males to the crown was not established by any written law. All that can be alledged with any plausibleness, by those who ground the exclusion of the females upon the above-mentioned Salian law, is, that the succession to the crown is included in the law, which settled the succession to the inheritances of the noble families. This opinion is also embraced by father Daniel in his history of France. He pretends, that the rule concerning the succession to the crown, is contained in that particular article of the Salian or Salic law, which includes all the laws of the Salian Franks. I shall transcribe what this able historian says, in the reign of Clovis, as it will serve to illustrate the notes.

T. 1. p. 7.  
 2c.  
 Edit. d'  
 Amst.  
 1720.

“ It was then, probably, that Clovis published the famous Salic law. I am sensible most of our historians ascribe the honour of it to Pharamond; but I follow here the opinion of one of our best critics.” [Hadr. de Valois.]

“ Many speak and hear of this law without knowing what it is. It is a common notion, that it concerns solely or chiefly the succession of the males to the crown of France, by determining the qualifications of those who may put in their claim. This notion is wrong in several respects. Of the seventy two articles, this law consists of 6, there are but three or four lines of the sixty second relating to this point. Besides, they do not particularly concern the succession of the males to the crown; but belong in general to all the noble families, whose rights they regulate, as well as those of the royal family. The words run thus: As for the SALIC LAND, no part shall descend to the FEMALE, but all shall go to the MALE.

“ By Salic land is meant the lands of the nobles of the nation, and moreover, according to some, the lands of conquest; such were almost all those of the French monarchy on this side the Rhine. What has chiefly occasioned the popular notion, was the great dispute formerly between Philip de Valois and Edward III. king of England——Besides that famous contest, the little use made of this law at present, which is seldom cited by our lawyers upon other accounts, was the reason of the common persuasion of its being thus limited. But in reality, it con-

† Some editions have more, some less. Rapin,

“ tained

“ tained numberless regulations concerning all sorts of mat-  
“ ters.

“ I am apt to believe, what we now have of the Salic  
“ law, is only an abstract of a larger code, abridged on pur-  
“ pose, that the people and judges might more easily learn the  
“ substance and principal points. What makes me think so,  
“ is, that in the present book of the Salic law, the Salic law  
“ itself is quoted with certain forms not to be found in that  
“ book. — This moreover leaves no room to question that  
“ it was at first composed in the language of the Franks, and  
“ that afterwards the abstract was translated into Latin for the  
“ use of the Gauls, to whom it was to be common in several  
“ articles, with the Franks. It is this abstract or abridg-  
“ ment that has been transmitted to us.”

Thus we have three different notions given by three  
learned critics concerning the Salic law, the law I mean  
which renders women incapable of succeeding to the crown.  
Bignon says, it is a law of nature which ought to be common  
to all nations. According to father Daniel, by the Salic law  
we are to understand, an abridgment of the Salian laws pub-  
lished by Clovis. As for the particular law settling the suc-  
cession to the crown of France, he pretends it is a mere chi-  
mera, a vulgar error, and adds, without alledging however  
any proof, that the exclusion of the females with respect to  
the crown, derives its whole force from that particular pas-  
sage of the Salic code<sup>d</sup>, which settles the inheritance of the  
noble families, and consequently, in his opinion, the inheri-  
tance of the family royal, that is of the crown. Accord-  
ing to Mezerai, by the Salic law, or the law that settles the  
succession, is meant, not a written law, but an inviolable  
custom, which is instead of a law. To give a distinct no-  
tion of the matter, I shall examine these three opinions, and  
show the objections they are liable to.

First, as to the opinion that supposes the Salic law, or,  
which is the same thing, the exclusion of the females and  
their descendants from the succession to the crown, to be a  
law of nature; I own, it might with some reason be main-  
tained, that nature requires states and kingdoms to be go-  
verned by men, if the Salic extended no farther; but since it  
reaches to the exclusion of the male-heirs of the women of  
the royal family, methinks nature does not appear in that ex-

<sup>d</sup> Rapin, in expressing here father Daniel's opinion, seems to make use of too strong terms; for it is plain, from that author's own words, that he makes the Salic law receive part of its force from ancient custom, which he even calls inviolable.

tension,

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tension. In the next place, if the Salic law was a law of nature, it would be practised in all states, or at least the exceptions, if any, would be very few, but here it is quite otherwise. Of all the independent kingdoms of Europe, established by the northern nations, France alone follows this pretended law of nature. All the other states, Spain, Portugal, Naples, Sicily, Bohemia, Hungary, Swedeland, Denmark, England, Scotland, admit of the female succession. Only France then must be said to follow nature, and all the rest of the states to deviate from her law, which to me seems absurd. Wherefore in the third place, the Salic law has all along been deemed, as it is at present, a law peculiar to France; and we do not find that Philip le Long, or Philip de Valois ever pretended to urge it, upon any other foot.

As for father Daniel's opinion, whatever esteem I may have for his history, which I take to be the best of all the French histories, I cannot forbear saying, it is not only groundless, but improbable. It is easy to demonstrate, that the paragraph of the Salic code, on which he grounds the exclusion of the females and their descendants, has no manner of relation to the succession of the crown, as will appear, if the whole title under which it is placed, be considered. It is the 62d, entitled, *de Alodio*, which settles the inheritance of the Alodial lands. But first, it must be observed, that Alodial lands were lands of inheritance, not held of any other lord. This distinguishes them from those termed Beneficia, which were distributed among the nobles, on condition of personally serving the state upon certain occasions, of which women were incapable. These were lands called *Terra Salica*, because they were considered, as belonging properly to the collective body of the nation, and were held by private persons, on the sole condition of serving the state. This being supposed, the whole title of the Salic law, where the paragraph is inserted, runs thus :

Du Cange  
Alodis.

## TIT. 62. DE ALODE.

Edit. of  
Pithou.

- “ 1. Si quis homo mortuus fuerit, & filios non dimiserit,  
 “ si pater aut mater superfuerint, ipsi in hæreditatem succedant.  
 “ 2. Si pater aut mater non superfuerint & fratres vel sorores reliquerit, ipsi hæreditatem obtineant.  
 “ 3. Quod si nec isti fuerint, sorores patris in hæreditatem succedant.

“ 4. Si

“ 4. Si vero sorores patris non extiterint, sorores matris ejus hæreditatem sibi vendicent.

“ 5. Si autem nulli horum fuerint, quicumque proximiores fuerint de paterna generatione, ipsi in hæreditatem succedant.

“ 6. De terra autem salica, nulla portio hæreditatis mulieri veniat, sed ad virilem sexum tota terræ hæreditas perveniat.”

Hence it appears, I. That the Salic lands were Alodial like the other, that is, were the real patrimony of the possessor, otherwise they would not have been placed here. II. That the design of the sixth paragraph was to distinguish the Salic, from the common Alodial lands, because the former were liable to military service, which women could not perform. But in that, the sense of the sixth paragraph must, I think, be strangely wrested, to extend it to the succession of the crown, the most that can be pretended, is, that the king's own demesns were subject to that law.

But, more fully to show, this article concerns not the succession to the crown, it must be remarked, there are two original editions of the Salic law, one procured by Herold, the other by Fr. Pithou, and in Pithou, this sixth article of title 62. is imperfect, there being no more than what is inserted above. But in Herold's edition, the paragraph runs in this manner.

“ De terra vero salica in mulierem nulla portio hæreditatis transit, sed hoc virilis sexus acquirit, hoc est, filij in hæreditate succedunt. Sed ubi inter nepotes & pronepotes, post longum tempus, de alode terra contentio suscitatur, tunc non per stirpes, sed per capita dividantur.”

I do not see, considering the whole paragraph, how it can with the least shadow of reason, be applied to the succession of the crown.

To this may be added, that very probably, when the Salic law was made, the Franks had not yet a king. We not only see no sign of any such thing in the several articles of the law, but moreover find in the preambles, what makes it believed the Franks were not subject to a sovereign power.

This is the beginning of the Salic law, according to Herold's edition.

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## IN CHRISTI NOMINE.

Incipit pactus legis salicæ.

"Hi autem sunt qui legem salicam tractaverunt, Wisagast, Arogast, Salegast, & Windogast, in Bodham, Saleham, & Widham."

According to the other edition.

Incipit tractatus legis salicæ.

"Gens Francorum inclyta, auctore deo condita, dum adhæc ritu barbarico teneretur, inspirante deo, inquirens scientiæ clavim, juxta morum suorum qualitatem, desiderans justitiam, & custodiens pietatem, dictavit salicam legem, per proceres illius gentis, qui tunc temporis, ejusdem aderant rectores. Electi de pluribus viri quatuor, his nominibus, Wisogastus, Bodogastus, Sologastus, & Wodogastus, in locis cognominatis. Soleheim, Bodoheim, & Widoheim, qui per tres mallos\* convenientes, omnes causarum origines sollicitè tractantes, discutiendo de singulis, sicut ipsa lex declarat, judicium decreverunt hoc modo. At ubi, deo favente, rex Francorum Clodovæus, florens & pulcher, & inclytus, primus recepit catholicum baptismum, & deinde Childebertus & Clotarius, in culmen regale, deo protegente, pervenerunt, quicquid in pacto† habebatur minus idoneum, fuit per illos lucidius emendatum & sanctius decretum. Vivat qui Francos diligit, &c."

In all likelihood, this preamble was placed before the Salic law, between the reigns of Clothaire II. Charlemain, and perhaps before the time of Dagobert, since he is not mentioned, though he made some alterations in this law, as well as Clothaire and Childebert.

Another preamble made in the time of Charlemain.

## PROLOGUS LEGIS SALICÆ.

"Placuit atque convenit inter Francos & eorum proceres, ut propter servandum inter se pacis studium, omnia incrementa veterum rixarum, refecare deberent, & quia cæteris

\* That is, Public Assemblies. Rapin.

† That is, in the law called, Pactus Legis Salicæ. Rapin.



“gentibus juxta se positis, fortitudinis brachio præeminabant,  
 “ita etiam legum auctoritate præcellerent, & juxta qualita-  
 “tem causarum, sumeret criminalis actio terminum. Ex-  
 “titerunt igitur inter eos, electi de pluribus quatuor viri, his  
 “nominibus, Wifogastus, Bodogastus, Salogastus, & Wido-  
 “gastus, in villis quæ ultra rhenum sunt, Saleheim, Bodo-  
 “heim, & Widoheim, qui per tres mallos convenientes, om-  
 “nium causarum originem sollicitè discutiendo, tractantes  
 “de singulis, judicium decreverunt hoc modo.”

## EX CODICE. M. S.

“Marchemiris quoque dedit Francis id consilium, & ele-  
 “gerunt Faramandum ipsius filium & lavaverunt in regem  
 “super se crinitum. Tunc habere leges coeperunt, quas  
 “eorum procures gentilis tractaverunt, his nominibus Wi-  
 “fogastus, Arogastus, Salogastus, in villis quæ ultra rhenum  
 “sunt, in Botagin, Selecagin, Widecagin.  
 “Anno ab incarnatione domini nostri Jesu Christi  
 “DCCXCVIII, dominus Carolus rex Francorum incluy-  
 “tus, hunc libellum tractatus Legis Salicæ scribere jussit.”

What likelihood is there, that, if the authors of these prefaces believed the Franks had a king when the Salic Law was made, they should not have mentioned him? For as to the abstract of the chronicle, it is a separate piece, added by the author of the last preface, as treating of the same subject. But if the Franks had not a king, how can the sixth paragraph of the sixty second title be applicable to the succession of the crown of France?

Another objection to father Daniel's opinion is this: sup-  
 posing the article, de terra vero Salica, concerned the succe-  
 sion to the crown, as well as private inheritances; if it be  
 true, that this law was abrogated under the third race of the  
 kings of France, with respect to the Salic lands or great fiefs,  
 it may, I think, be inferred, that it was also annulled with  
 regard to the crown. But the thing speaks itself, since it  
 cannot be denied, that the dukedoms, earldoms, in a word,  
 all the great fiefs of the crown, descended to the females.  
 Normandy, Guienne, Ponthieu, and Montrevil, fell to the  
 kings of England by the women. It was the same with the  
 earldom of Toulouse, Provence, and Bretagne. The suc-  
 cession of the earldom of Flanders always devolved to the  
 next heir, without any preference of sex, since the time of  
 Charles the Bald. All these examples actually subsisted at  
 the time of Lewis Hutin's death, when the Salic Law began  
 for

*History of  
 the earls of  
 Flanders at  
 the Hague.  
 1698.*

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for the first time to be urged in favour of the males. There were large portions of the Salic lands fallen to women, purely by right of inheritance. Where was then the observance of the article, "*De terra vero Salica nulla portio ad mulierem transit*?"

There seems to me to be but two ways of answering this objection. First, by saying the Salic lands, or great fiefs of the crown, descended to the women, only when there was no male-heir in the family. But this reply has no foundation. Besides what has been said concerning the earldom of Flanders, in the very time of Philip de Valois, Artois was adjudged to Maud; to the prejudice of Robert d'Artois, grandson by his father of the last duke; and the duchy of Bretagne, to the wife of Charles de Blois, though earl Montfort, brother of the late duke, was yet alive. But, supposing this law was not annulled when Hugh Capet came to the crown, it was at least abrogated by that prince, in granting in fee to the nobility the great fiefs, without excluding the females.

The other way of answering the objection, is by asserting, that though the law was repealed as to the Salic lands, it was not so with regard to the succession of the crown, where it was always inviolable. But how can a law be supposed to be abrogated in the undoubted sense of the words, and remain in force in a disputable sense, which is taken for granted without the least proof? Besides, I shall make appear hereafter, there had never been any occasion to break it.

A third objection against father Daniel's opinion, may be taken from his own preface to the history of France. This able historian maintains, article III. that the crown, after being hereditary in the first race, became elective in the second, and was hereditary in the third, only by way of association practised by the first kings of that race, from Hugh Capet to Philip Augustus. If so, where shall we find the observance of the Salic Law, with respect to the crown, from Pepin the Short to Lewis VIII? How could it subsist in an elective kingdom, where it was in the power of the great men to give the crown to whom they pleased, and even to chuse kings not of the royal family, as for instance, Ralph and Eudes? Hear what father Daniel says of this matter.

The last  
page of the  
preface.

"It is extremely probable, that Hugh Capet having confirmed the dukes, earls, and other lords in their usurpations, not only for themselves, but their posterity, obtained likewise from them the establishment of the hereditary succession to the crown in his family. But, as he mistrusted their levity, he associated his son Robert. Robert did  
"the

“ the same by his son Henry : and the custom of associating lasted till Philip Augustus, who thinking hereditary right sufficiently established by the succession of several of his predecessors, from father to son, down to Hugh Capet, and whose reigns for the most part were very long, never troubled himself to associate Lewis VIII. his son.”

I shall now examine Mezerai's opinion, and theirs who with him believe the Salic Law, that is, the exclusion of the females and their descendants, to be founded only upon an inviolable custom. But it will be necessary in the first place to remove all ambiguity in the term Custom, for by that may be meant either a Negative, if I may be allowed that expression, or a Positive Custom. I call a Negative Custom, that to which no instance to the contrary can be alledged, and which however does not form or establish any right. For example, there never was in England a lame or a one-handed king : now let it be affirmed as strongly as you please, that this is a custom that never was violated : if unfortunately the only son of a king of England should become lame, or happen to lose a hand, would this be a good reason to exclude him from his father's succession ? It is the same with the inviolable custom of France, taken in this sense : because there never was in France a queen that wore the crown by her own authority and right, it does not necessarily follow that the females have no right to the succession ; as it cannot be said in England, that a lame or a one-handed man cannot mount the throne, because in that country there never was a lame or a one-handed king. I call a Positive Custom, that which is grounded upon some law, or at least upon examples and precedents, which demonstrate it to have been inviolably practised, and to have served for rule on certain occasions. Of such a custom Mezerai must be understood to speak, since he confounds it with the Salic Law, and endeavours to produce an instance of its practice. The question then is, to know whether there was in France any such positive custom before the reign of Philip le Long, who in support of his right pleaded the Salic Law, whether he thereby meant the paragraph of the Salic Code above-mentioned, or an inviolable custom. But where are the authors that speak of it ? Is it not strange, that for nine hundred years, from Pharamond to Philip le Long, this inviolable custom, which serves for fundamental law to a great kingdom, should not be mentioned by a single author ? I believe I may give this for certain fact (though I have not read all) because it appears to me impossible that of so many learned men, who, from the time

of Philip le Long, to this day, have diligently sought after proofs in defence of the Salic Law, not one should have been so happy as to discover in the ancient authors any passages favouring, or at least alluding to, this written or unwritten law. Of all the testimonies alledged, there is not one but what is later than the reign of Philip le Long<sup>r</sup>. I am well aware this objection has been already answered, by affirming that Marculphus, who lived in the middle of the seventh century, mentions the Salic Law in his Formularies. But this is a fallacy. Nobody ever pretended to dispute the existence of the Salic Law, if thereby is meant the Salian or Salic Code in general. But the business is to prove the existence of this particular law, called the Salic Law, whereby women and their descendants<sup>a</sup> were deprived of the right of succeeding to the crown, before the reign of Philip le Long. Marculphus mentions the former in several places of his Formularies, but says not a word of the latter, which is the point in question. It remains therefore, that this unwritten law, this inviolable custom, is to be founded upon examples and precedents, by which it was established, or at least confirmed; otherwise there is no knowing what to think of it. It should therefore be shown, that before the reign of Philip le Long, there were instances of women and their descendants being excluded from the crown by virtue of the Salic Law, or inviolable custom: and this is what remains to be examined.

<sup>r</sup> Rapin must have overlooked a passage in father Daniel's History, quoted from Agathias, expressly mentioning this law. The passage is likewise alledged by Fauchet and Du Chesne. Agathias, the scholastic or lawyer, lived in the sixth century, and began to write the Continuation of Justinian's History after Procopius, in 565. This author, at the end of chap. 7. lib. ii. says, "Whilst these things passed, Theobald, who ruled in France over the provinces next to Italy, died in the flower of his youth.—Childebert and Clotaire, as his nearest relations, were, by the Law of the Country, called to the succession of his kingdom." By the Law of the Country then, Theobald's two sisters were excluded from the right of succeeding him. As for Childebert's daughters, Agathias continues thus: "But the disputes about the division had like to ruin their dominions. Childebert, besides his extreme old age, languished with an incurable

disease: he had only daughters, and no male issue who might inherit the crown." These last words seem to be a demonstrative proof, that it was then universally known that the daughters of France were absolutely excluded from the right of succession to the crown. Agathias did not say this to favour Clotaire, who succeeded his brother Childebert in exclusion of his nieces, for he was born in Asia, and lived very remote from France. He was cotemporary with these kings.

<sup>a</sup> There was no occasion to say, Their Descendants. For there are two different questions; the first, which is properly the point in hand, Whether the daughters were anciently excluded from the crown? the second, which has nothing to do here, Whether the sons of those daughters were of old excluded from the crown with their mothers? The former seems to be expressly mentioned by Agathias. See the foregoing note.

To

To begin with the third race : from Hugh Capet to Philip le Long, no such case could happen, for the kings of that family succeeded from father to son.

In the second race it is not possible to find any instance in favour of the Salic Law, or inviolable custom. On the contrary, a precedent might be brought in favour of the females, from divers princes descended from Charles the Great by the female line, dividing the French monarchy, and possessing several parts of his succession. But as this was at a time when there were only two princes alive of that emperor's family, namely, the emperor Arnold, who was a natural son, and Charles the Simple, who might also be deemed as such, I shall not insist upon it.

The first race affords three precedents, which may favour the custom in question. The daughters of Childebert I. king of Paris, succeeded not their father, but Clotaire I. their uncle possessed his brother's kingdom. Shortly after, Cherebert king of Paris dying without male issue, Gontran, Sigebert, and Chilperic, his brothers, shared the succession, without leaving any part to his daughters. Gontran having but one daughter, left his kingdom to Childebert II. his nephew. If it could be shown that all this was done in consequence of the Salic Law, or inviolable custom, those precedents would amount to the strongest proofs. But unhappily, not a single writer before Philip le Long, speaks on this occasion of the Salic Law or custom. It is true, Mezerai, who wrote twelve hundred years after, boldly affirms that Clotaire succeeded his brother by virtue of the Salic Law, and that this is the first instance of the observance thereof. But in relating the fact, he says Clotaire imprisoned his nieces<sup>1</sup>, for fear they should dispute with him their father's succession. The same thing happened in the succession of Cherebert : his brothers used force to seize his kingdom, without alledging the Salic Law to support their right<sup>2</sup>. Accordingly president Fauchet, convinced of the violence,

<sup>1</sup> Gregory de Tours, a cotemporary, says only, he banished them, with their mother. And father Daniel makes them not to be banished till some time after his father's death, when Chramne, son of Clotaire, rebelled against him a second time. Mezerai's words are, " Their uncle, whether in hatred of their father, or for fear of their pretending to the succession, kept them in prison till he was possessed of the kingdom." This alternative of doubt is

only a conjecture of Mezerai : for Clotaire seems to have acted rather out of hatred to his brother, than from political views.

<sup>2</sup> This does not seem to agree with what Rapin says in the History of the Church of Kent, where he represents Chilperic, who succeeded his brother Cherebert, as behaving like a father to his brother's daughter, and refusing to marry Bertha, one of them. to Ethelbert king of Kent, because he was an idolater,

lence practised on these two occasions, gives up these two precedents<sup>1</sup>, and confines himself to the third, which is the most specious. Gontran having but one daughter, adopted Childebert II. his nephew, and left him his kingdom. But this daughter was a nun<sup>m</sup>. Besides from Gontran's believing it in his power to leave his succession entire to Childebert II. without giving any share to Clotaire II. who was also his nephew, and Childebert's brother<sup>n</sup>, it may it seems be inferred that he did not look upon himself as bound by any law, and that there was not then any settled rule with respect to the succession<sup>o</sup>. It will be said, perhaps, that in appointing Childebert,

idolator. Now Chilperic, had he thought she had the least reason to claim her father's succession, should have been glad of so fair an opportunity to send away his niece. Indeed it does not appear that he used any violence upon them, or imprisoned them, as Rapin insinuates.

<sup>1</sup> Rapin does not quote Fauchet, so it is to be supposed he alludes to what this author says in his treatise *De l'Origine des Dignitez*, etc. lib. 1. cap. 2. where he gives the reasons why the daughters of France are excluded: "I forbear, says he, to speak of the daughters of Childebert I. king of Paris; for it may be said, their uncle Clotaire was so strong, that it was easy for him to shut them up in a cloister. Much less shall I speak of those of Cherebert, also king of Paris, because it will be said, their uncles did not treat them more civilly. But what can be objected to what Gontran did to Clotilda his own daughter?" etc. In this passage Fauchet does not seem absolutely to give up the two first precedents, but only thinks them liable to the objections he mentions. For he urges them both as enemies of the exclusion of the daughters, in ch. 12. lib. iii. *Des Antiquitez*, etc.

<sup>m</sup> This does not seem to be a convincing reason why Gontran should dispossess a daughter he entirely loved. For if Gontran thought his daughter could have the least shadow of right to succeed him, would he have made her a nun? so that her being a nun is rather a strong presumption that the daughters could not succeed to the crown. But it may be said, was she not a nun before her father adopted Childebert his nephew?

Now this ought to be proved indeed to make Rapin's argument of any force: but the contrary is most probable. For Mezerei says, Gontran was not married till his accession to the crown in 562. Now supposing Gontran married Clotilda's mother the first year of his reign, she was too young to receive the veil in 577, when he adopted his nephew Childebert. Besides, in a treaty with his adopted son, an article is inserted, "That whatever is granted by king Gontran to his daughter Clotilda, whether moveables, cities, lands, and revenues, shall remain in her possession." Such grants do not seem fit for a nun, though a princess. Now this treaty, as Fauchet says, was made in 587, that is, ten years after his making Childebert his universal heir. But after all, supposing she was a nun before Childebert's adoption, would not Gontran, upon the death of his sons, instead of adopting a nephew, have procured a dispensation for a beloved daughter, if the Salic Law would have allowed it? So that Clotilda's being a nun cannot weaken the argument drawn from her exclusion in favour of the Salic Law.

<sup>n</sup> Rapin is mistaken in making Childebert to be eldest brother of Clotaire II. They were only cousin-germans, sons of two brothers; the first of Sigbert king of Austrasia, and the other of Chilperic, king of Neustria. So that his remark, that the eldest had no privilege, etc. is not to the purpose here.

<sup>o</sup> Does not the contrary seem rather to be inferred from this prince's conduct, that he did think himself bound by the law or custom excluding the females from the crown, and knew the succession

debert, the eldest of the two brothers, for his successor, he only followed the disposition of the law or custom; but this objection is groundless<sup>1</sup>. The whole history of the first race plainly shows the eldest had no privilege, and that the kingdoms, of which the French monarchy then consisted, were always divided among the brothers<sup>2</sup>. But be that as it will, it is not sufficient to show that Gontran did a thing agreeable to the pretended disposition of the Salic law or custom; it must also be proved that he did it with intention to observe that custom or law, which I think impossible<sup>3</sup>. It would be quite another thing if the law was perfectly known, or the custom undeniably established by former precedents, which might give room to suppose Gontran designed to conform himself to it<sup>4</sup>. If a man examines what passed during the first race, with respect to the succession, he will find nothing fixed or settled upon that head; and that force and arms had a greater share in it than laws. This is so true, that it is even doubtful, according to father Daniel, whether the children were to be preferred to the brothers; and that this question was not fully decided till long after the beginning of the second race<sup>5</sup>. It is evident then, from what has been said, that the opinion that there was in France, before the reign of Philip le Long, a law or custom excluding the daughters from the succession to the crown, cannot be supported by any certain testimony, or undeniable matter of fact.

Having shown what we are to understand by the Salic Law, of which so many people talk without having a just notion of the thing, it will be necessary, in order fully to clear this matter, to show how the practice of this law was established

succession to be so settled in an inviolable manner; otherwise it is incredible that he should not do what lay in his power to leave his dominions to his only beloved daughter.

<sup>1</sup> That this objection is not altogether without foundation is certain, from the passage of Agathias in note 8, above.

<sup>2</sup> Rapin did not seem to be of the opinion, that the succession was divided among all the brothers, in the Dissertation on the Government of the Saxons. Neither indeed was it true, as appears in a citation from Mezeraï, in the same Dissertation.

<sup>3</sup> As Gontran himself succeeded to part of his brother's succession, in exclusion of his three nieces, Cherebert's daughters, it is more than probable, that he adopted his nephew in exclusion of his daughter, in consequence of

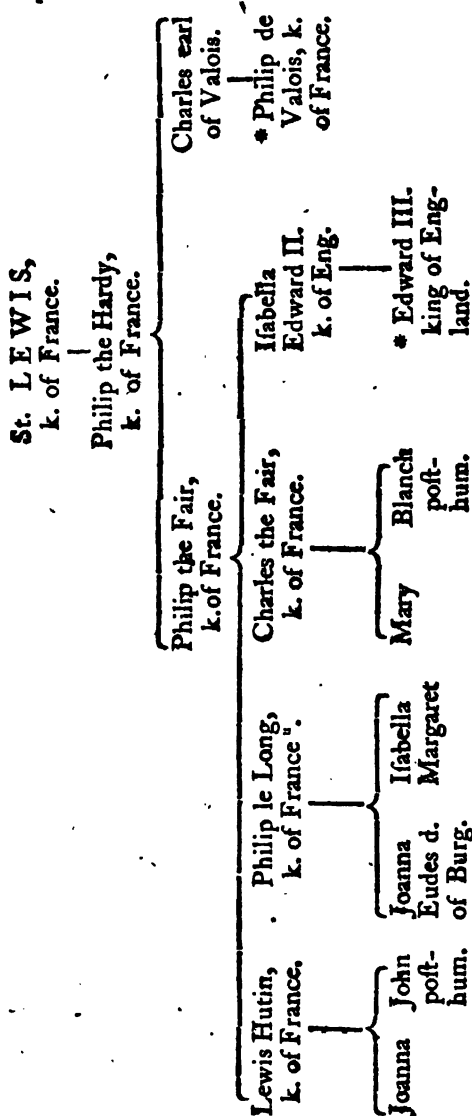
the same law or custom by which he was preferred to his nieces.

<sup>4</sup> We have for it the authority of Agathias, who speaks of it in express terms; and the treaty between Gontran and Childebert, where it is supposed, and made the foundation of their agreement. Besides, this law or custom is to be considered as unquestionably established before Gontran disposed of his dominions, in prejudice of his own daughter, since there were three examples in fifteen years: 1. The exclusion of Theobald's sisters in 555. 2. Of Childebert's two daughters in 558. 3. Of Cherebert's three daughters in 570.

<sup>5</sup> There were contests between brothers and cousins concerning the succession; but it does not appear that the exclusion of the daughters was uncertain or doubtful.

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in France. But for the better understanding of this, it will be proper to set before the reader the following part of the genealogy of the kings of France, which will serve likewise to explain the occasion of the dispute between Edward and Philip de Valois.



\* De Haillon says Philip le Long had four daughters, whose names were Joanna, Margaret, Mary, and Blanch.



Lewis Hutin dying in 1316, left by Clemence of Burgundy, his wife only one daughter, an infant, called Joanna. But as his queen was big with child, the crown was not disposed of till she was delivered. The reason of the delay was because if the queen was delivered of a son, he was to succeed his father, not by virtue of the Salic law, but by a law common to all states, according to which the males have always the preference of the females of the same degree. Till the queen's delivery, Philip le Long, the eldest of the deceased king's two brothers, was appointed regent. I say, appointed, in the words of father Daniel, who does not acquaint us by whom he was appointed. Philip was then at Lyons, busy in procuring a conclave for the election of a new pope. This was the reason he could not come to Paris till three weeks after the death of the king his brother. He found there a party already formed against him, at the head of which was Charles earl of Valois, his uncle who intended to dispute the regency with him, and was in possession of the Louvre: but Philip at his arrival, found means to dislodge him. The next day he assembled the parliament, and by the unanimous consent of the lords and knights there present, the regency was adjudged to him for eighteen years, in case the queen was delivered of a son.

Mean time, as the queen might chance to have a daughter, Eudes duke of Burgundy, uncle by the mother's side to Joanna, daughter of the late king, was preparing to assert his niece's right. At length, the queen was brought to bed of a prince who was called John, and lived but a few days. Then Philip grounding his claim upon the Salic Law, pretended the crown was fallen to him. As he had a powerful party, and was unwilling to have his title questioned, he repaired to Rheims, in order to be crowned. But the duke of Burgundy opposed the coronation with a protestation, in the presence of the peers, to maintain Joanna's right, to whom he pretended the crown belonged both by natural and civil law; and that at least the coronation ought not to be performed before the pretensions of the young princess were duly examined. Though the earl of Valois had attended Philip to Rheims, he was known to be a friend of the duke of Burgundy. On the other hand, Charles earl of Marche, the king's own brother, being of the same party, left Rheims the morning before the solemnity. If the Salic Law could be proved to have been acknowledged and admitted before that time, I confess the opposition of these princes would be of no great weight. But as that proof is very difficult, as I have

before shown, it may be inferred from the opposition of the princes of the blood themselves, and contrary to their own interests, that this law passed not then for incontestable.

Dan. Hist.  
de France,

The duke of Burgundy's protestation, and prince Charles's retreat, made Philip so uneasy, that he ordered the gates of Rheims to be shut during the ceremony of the coronation, for fear of interruption, or that other peers might absent themselves. A few days after, he held an assembly at Paris, where were present a great number of nobles, almost all the prelates, the most considerable burgers of Paris, and the university. It was this assembly that examined the laws of the state, decided, that the females were incapable of succeeding to the crown, and approved and confirmed the king's coronation. It might be demanded, whether that assembly had power to make such a decision, but since the French nation has thought fit to receive it, it is needless to insist upon that. I shall only observe, that it was now almost nine hundred years since the establishment of the monarchy, and this the first time it was expressly decided in France, that the daughters were incapable of succeeding to the crown.

Notwithstanding the decision, queen Clemence, widow of the late king, the earl of Marche the king's brother, the earl of Valois his uncle, the duke of Burgundy prince of the blood and their adherents, did not fail to show a dissatisfaction at seeing William on the throne. This created uneasiness in the new king, who, to free himself from it, found means to gain the duke of Burgundy, the head of the party, by giving him his eldest daughter in marriage, with the earldom of Burgundy for her portion. The duke being thus gained, the party dispersed, and the Salic Law passed, from thenceforward, for a law as ancient as the monarchy. But great care was taken to confound, as has been done ever since, the Salic Law in general, or the collection of Salic Laws, with the pretended Salic Law in particular, which excluded the daughters from succeeding to the crown.

Philip le Long being dead, after a short reign, and leaving only daughters, Charles the Fair his brother, mounted the throne without opposition, to the prejudice of his neices. This was a second decision in favour of the males. From that time none ever thought of questioning the authority of the Salic Law. Thus was established the observance of this famous law in France, without its being yet known, whether Philip le Long, in urging it in support of his pretensions, proceeded upon the sixth paragraph of the 62d title of the Salic Law, or upon inviolable custom. What may be affirmed;

ed, is, that in those days the French must have had very confused notions concerning this law, since even after its being incontestably acknowledged for authentic, the most learned cannot agree upon that subject.

I come now to the famous dispute between Philip of Valois and Edward III. Charles the Fair, who died February 1328, leaving no male-issue, and his queen finding herself with child, the same rule was followed as was observed after the death of Lewis Hutin. That is, the crown was not disposed of, till the queen's delivery, who was seven months gone with child. But it was necessary to appoint a regent, to take care of the government in the mean while. Then it was that the great-contest about the regency arose, between Edward III. nephew by his mother, to Charles the Fair, and Philip earl of Valois, cousin german to the same prince. This was an affair of very great consequence. Besides that the regency was to be long, in case the queen was delivered of a son, it was easy to foresee, that the judgment given for the regency, would be a strong precedent for the crown, if she happened to have a daughter. For this reason the affair was very warmly contested on both sides; not before the states-general, as some have affirmed without any foundation, but before an assembly of great men, purposely convened upon that occasion. Edward pleaded his being the next male heir of the late king. Philip adhered to the Salic Law, which, according to him, excluded not only the daughters, but also their descendants, from the succession to the crown, and consequently from the regency. Philip carried the cause as to the regency, and was afterwards crowned, upon the queen's being delivered of a daughter in April. As Edward endeavoured not to prosecute his right till some years after, the question between them was no longer concerning the regency, but the crown itself. All the French historians call Edward's pretensions chimerical, and the English on their part, exclaim against the injustice that was done him. The business therefore at present is to examine the rights of both parties, independently of the events, and Philip's possession. This will be the only means to enable us to judge, whether the war occasioned by this affair, was just or unjust, or whether, as I believe, there was on both sides, sufficient reason to justify the attack and the defence.

In order to have a clear notion of the matter, it must be considered, that the point in question between the two kings, was not, whether there was any such thing as a Salic Law, excluding the daughters from the succession to the crown of

France; whether the law was real, or only imaginary, it was equally the interest of both kings to suppose it, since it was the sole foundation of their respective claims. Without this law, the crown would have indisputably belonged to Joana daughter of Lewis Hutin, and the two last kings must have been reckoned usurpers. Moreover, had there been no Salic law, Philip and Edward would have been manifestly excluded by the daughters of the three last kings, sons of Philip the Fair. The only thing therefore was to know, whether the Salic Law was limited to the persons of the daughters, to exclude them from the succession, or whether it extended to all their posterity. This was a new query, which had never been decided, because the same case had never happened, since the beginning of the monarchy. Philip maintained, that Edward could pretend to the crown but by right of representation, as son of Isabella, and that representing only a woman, he could not derive from his mother a right which she had not. But Edward took care not to ground his claim upon representation. He insisted on the contrary, upon nearness of blood, and affirmed, that the crown was devolved to him, as the next male-heir capable of succeeding.

Indeed, it cannot be conceived what use he could have made of representation, which serves only to put a distant relation in the place of the person represented. He had no occasion to be brought nearer, since he was nephew of the late king, and Philip de Valois but cousin-german. Accordingly, in all the pieces in the Collection of the Public Acts concerning this matter, there is not so much as one, where he alleges in his behalf the right of representation, but always that of nearness of blood. And yet almost all the French authors that have writ on the subject, have been pleased to combat this chimæra, and ground their reasonings upon the impertinency of the representation; which, after all, was never urged by Edward. The English for their part, are fallen into the like error, by strenuously opposing the existence of the Salic Law, not considering, it was no less necessary for Edward than for Philip. So, it may be affirmed, both sides have misunderstood the question and stated it wrong.

But to prevent mistakes, and clear the matter as much as possible, a man must imagine himself cotemporary with the dispute, and consider that the point in question was never decided. Each therefore was free before the decision, to explain and comment upon the Salic Law, as he judged for his purpose, without being liable to be taxed with rashness.

Whereas now it would be ridiculous to dispute upon the interpretation of a law acknowledged by the French, and admitted, as then explained by Philip, and which they have ever since followed.

That being supposed, the business then, in order to decide the new query, was, fully to understand the meaning of the Salic Law, concerning which there was reason, as I have shown, to doubt, whether it ever existed. But supposing its existence, the decision was to be either according to the paragraph of the Salic Code, *De Terra vera Salica*, &c. which did not clear up the point, or according to the inviolable custom observed in France for nine hundred years, though there had never been occasion to put it in practice. Upon which ever of these two foundations a man grounded a judgment, he could not but meet great difficulties. Could he say, that by the paragraph *De Terra Salica*, it was plain, the male-issue of the daughters, were to be excluded from the succession to the crown? was it evident that this law, so long disused, with respect to the Salic Lands, and the estates of the nobles, had preserved its full force with regard to the crown? on the other hand, if a man grounded his judgment upon custom, what method could he take to know whether it was the intent of the first establishers, whoever they were, to exclude from the succession the male-heirs of the daughters, as well as the daughters themselves? He could have no precedents or examples to direct him, since the same case had never happened. It is therefore rashness, in my opinion, absolutely to decide now against either of the two contending princes, and more so, peremptorily to pronounce the pretensions of either to be extravagant. That is the more unjust, as they both supported their claims by very specious reasons, the substance whereof I am going to relate; if so be, that part of these reasons have not since been fathered upon them.

Edward maintained, that what had hitherto been decided concerning the Salic Law, regarded only the persons of the daughters, and could not be extended to their male-issue, without proving it to be the intent of the law. But this was impossible, considering the time between its establishment, and the first occasion of putting it in practice. That indeed, the exclusion of the daughters was built on very plausible reasons, taken from the weakness of their sex, and the temper of the French nation, which would never venture to be governed by a woman; but that these reasons could not be alledged against their sons. That formerly, among the Ostrogoths of Italy, who observed the same custom, there was a  
like

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like instance, which plainly showed, that the exclusion of the daughters might subsist without that of their male heirs. That after the death of Theodoric, Amalazonta his daughter, did not succeed him, because she was a woman; however, that did not hinder Athalaric her son, though an infant, from being placed on the throne of his grandfather<sup>w</sup>. He farther added, that the Salic Law was an extraordinary law, contrary to the law civil and natural, for which reason it was to be confined within just bounds, rather than extended, as if the women of the royal family were to be punished for some great crime, which deservedly drew down vengeance on all their posterity. If the French believed women unworthy, or unfit to govern them, he pretended not to oppose that law. But what had the princesses of the blood done to deserve, that all their posterity should suffer a punishment, from which the daughters of the peers, and the other great men of France were exempted, as well as their descendants? Finally, in explaining the Salic Law, so as to deprive the male-issue of the women of a natural right, was to make a new law, under colour of interpreting the old.

Philip replied, that Edward acknowledging the authority of the Salic Law, was much mistaken in confining the intent of that law, to the hindering the kingdom of France from being governed by a woman. That there was another and no less essential end, namely, to prevent the crown from devolving to foreigners. That the French nation had willingly submitted to Hugh Capet and his house, but never meant to subject themselves to other families, and to receive a foreign king, a new contract was necessary<sup>x</sup>. That the intent of the French manifestly appeared in their not considering the descendants of the princesses of the blood, as presumptive heirs of the crown<sup>y</sup>. Consequently, it was not indifferently the next male-heir which was to succeed, but the next descended from father to son from Hugh Capet.

It is a strange thing, that among so many authors who have writ of this famous contest, not one, at least that I know of,

<sup>w</sup> There are some writers, who not knowing that the dispute between Philip and Edward, was not about the exclusion of the women, but of their male issue, have alledged this example in favour of Philip de Valois. Rapin.

<sup>x</sup> It would perhaps be pretty difficult to prove this engagement of the French nation with the family of Hugh Capet. The association practised by the

first kings of the third race, seems to argue, that they did not much rely on this pretended engagement, of which farther Daniel contents himself with saying, that it is very likely. Rapin.

<sup>y</sup> I question whether this can be ascertained with certainty, with respect to the time before the reign of Philip le Long. At least, it is very doubtful, with regard to the second race. Rapin.

except father Daniel, rightly understood the state of the question between the two kings. They have all amused themselves with combating chimæras, and making the parties alledge arguments nothing at all to the purpose, and sometimes even contrary to their real interest. Some make Philip urge very strong reasons against the right of representation, which it is certain Edward never meant to use. Others alledge for Edward the most plausible arguments against the Salic Law, though it was evidently his interest to support it. And therefore I am apt to believe, the harangue Paulus Æmilius puts into the mouth of Robert d'Artois, in defence of Philip's right, is a mere invention of the historian; since the orator doth not confine himself to the true case, though in all appearance, Robert d'Artois was not ignorant of the state of the controversy. Pasquier, though a great civilian, and well versed in the history of France, and in short, all the writers, as well English as French, are guilty of the same error. As for father Daniel, after truly stating the case, and briefly relating the reasons of Philip de Valois, without giving his own opinion, he makes Edward's pretension to be considered, in the course of his history, as chimerical<sup>2</sup>.

This case was never decided as to the crown, but only with regard to the regency. It cannot be denied, that in the sentence Philip had a great advantage, for the judges were all his relations and friends, and the person who disputed the regency with him, a minor and foreigner. Philip took for

<sup>2</sup> It is certain, that Rapin in asserting, that all the French and English authors understood not the state of the question between the two kings was mistaken. For of the French, Vertot, in his dissertation on the Salic Law, (which Rapin, it is plain, never saw) states the case exactly as he does. So do likewise Bodin, Du Hailan, Mezerai, and Le Gendre. So also the famous Puffendorff; and of our historians, Martin, Tyrrel, &c. It must indeed be owned, that some, after truly stating the case, in other places alledge arguments against the Salic Law, which entirely destroy Edward's pretensions. Of this father Daniel is a famous instance. For after he had already said, "That the Salic Law was allowed on both sides; namely, that the daughters could not succeed to the crown, and therefore the queen of England, though the late king's sister, could not pretend to it," But the English

"lawyers maintained, the next person, where this defect of sex was not found, ought by nearest of blood, to succeed, and upon this title Edward founded his pretensions." I say, after thus truly stating the case, he says, in his Dissertation on the Antiquity and author of the Salic Law, "If the English had not been persuaded of the antiquity of this law, they would not have failed to attack, more strongly than they did, this fundamental principle of Philip's right." What! should they attack a law allowed by Edward as well as Philip? A law, without which neither of them would have had any pretensions to the crown! It is in this inconsistent manner that many, both French and English historians, talk upon this subject. See these things more largely discussed in Rival's Examination of L'Abbe de Vertot's Dissertation on the Origin of the Salic Laws.

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granted afterwards, in imitation of Philip le Long, that the same sentence which adjudged him the regency, gave him a right to be crowned, and by that the question was really decided. He was so prejudiced in favour of his own right, that he commanded the hands and feet of a burgher of Compeigne to be cut off, for maintaining that Edward's title was better than his. One cannot say what the issue would have been, if the decision of the affair had been referred to the states of the realm, as it was the opinion of several who believed that to be the only means of solidly establishing Philip's right. All that can be affirmed is, that the establishment of the Salic Law in favour of Philip le Long, and its confirmation by the advancement of Charles the Fair to the throne, could not have prejudiced Edward. The sole business was, either to limit the Salic Law to the persons of the daughters, or to extend it to all their posterity, and this is what had never before been decided.

My design in what I have said, as well concerning the Salic Law, as the contest between the two kings, was, I. To rectify most people's notion concerning this law. II. To show precisely wherein consisted the dispute between the two competitors. III. That this affair had its difficulties, and was not easily to be determined by law. IV. Lastly, That the two kings had each very plausible reasons, and consequently it was a just matter of process. And this is what I could not do in the body of the history, without making too long a digression. As the war occasioned by this quarrel was very lasting, and renewed by several of Edward's successors, I thought it would not be unexceptable to the reader, to know the origin and foundation thereof. Nay this quarrel may be laid not to be yet ended, since from the time of Edward III. the kings of England have all along born, and still do bear the title of kings of France.

THE END of the THIRD VOLUME.





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